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## EDITORIAL ANNOUNCEMENT

With this number of the REVIEW, the name of Dr. Percy Alvin Martin, of Stanford University, disappears from the list of the Board of Editors because of the expiration of his five years of service on the Board. His place is taken by Dr. C. H. Haring of Harvard University. To Dr. Martin, his colleagues express their appreciation of his helpful services ever since the inception of the REVIEW and of the assurance that he will still extend to them the benefit of his ripe scholarship. To Dr. Haring, his fellow members of the Board express their gratification that he has become one of them and that the REVIEW is to benefit from his maturity and sanity of judgment and from his historical scholarship.

It is also a pleasure to announce that Dr. Ricardo Levene, of the Universidad de La Plata, author of important works and recognized as one of the foremost scholars of Argentina, has consented to act as associate editor for Argentina; also that Dr. Rafael Altamira, of the Universidad de Madrid, Senator of Spain, Spanish representative in the Hague Court, and the greatest living Spanish historian, and Professor Fide-lino Figueiredo, of Lisbon, noted geographer and historian, and author of many books of importance, have honored the REVIEW by serving as associate editors for Spain and Portugal respectively.

THE EDITORS.

## BRITAIN'S ROLE IN THE EARLY RELATIONS OF THE UNITED STATES AND MEXICO

That Canning considered cordial and intimate relations with Mexico the key to his "later American policy", Professor Temperley has clearly shown. In one of Canning's memoranda urging British recognition of the Spanish American states he said:

I believe we now have the opportunity (but it may not last long) of opposing a powerful barrier to the influence of the U[nited] S[tates] by an amicable connection with Mexico, which from its position must be either subservient to or jealous of the United States. In point of population and resources it is at least equal to all the rest of the Spanish colonies; and may naturally expect to take the lead in its connections with the powers of Europe. . . .

After he had converted the British cabinet to his viewpoint he wrote his friend John Hookam Frere:

The thing is done. . . . The Yankees will shout in triumph; but it is they who lose most by our decision. The great danger of the time—a danger which the policy of the European System would have fostered, was a division of the World into European and American, Republican and Monarchical; a league of worn-out Governments, on the one hand, and of youthful and stirring Nations, with the United States at their head, on the other. We slip in between; and plant ourselves in Mexico. The United States have gotten the start of us in vain; and we link once more America to Europe. Six months more and the mischief would have been done.<sup>1</sup>

These statements had been made late in 1824 and in January, 1825. In December, 1822, two years before the British cabinet came to the recognition decision, Canning had accepted the offer of Patrick Mackie to go to Mexico on an informal

<sup>1</sup> Harold Temperley, "The Later American Policy of George Canning", in *American Historical Review*, XI. (1906), 781-782.

mission and at his own expense. In July and August, 1823, Guadalupe Victoria, as agent of the provisional government which followed the overthrow of Iturbide, held four informal conferences with Mackie. Nothing of great importance was accomplished or could be accomplished, owing to the nature of Mackie's mission; but the Mexicans were pleased with this display of British attention and considered these conferences the beginning of diplomatic relations between the two countries.

Just before the end of the year 1824 other British agents arrived in Mexico. They were Hervey, O'Gorman, and Ward, who had been sent out by Canning to report on the advisability of recognition, to assure the Mexican government that Great Britain did not desire dominion over any portion of Spain's former colonies in America and was unwilling to allow them to fall "under the dominion of any other power", and tactfully to encourage the establishment of a monarchy in case they found the Mexican leaders favorably disposed. This commission was so blinded by enthusiasm for Mexico's cause that it reported a stable government after only three weeks' observation and in spite of the fact that a formidable revolution was then in progress. A few days later Hervey actually guaranteed a loan to support the government in the crisis. For this act he was recalled and Morier was sent out in his place.

Finally, on January 3, 1825, Canning announced his intention of recognizing certain new states of Spanish America. On the same day he prepared instructions to guide his Mexican commission in the negotiation of a commercial treaty. By April 6, these agents had negotiated a treaty which aroused great enthusiasm among the Mexican leaders. In fact it was so favorable to Mexico and so at variance with British policy that Canning refused to accept it.

But the fact that these British agents, in their friendly fervor for Mexico, had allowed themselves to exceed their instructions did not immediately become known in Mexico

City. All during the year 1824 and a good portion of the year 1825 the Mexican leaders repeatedly revealed sentiments of gratitude and cordiality toward England. In April, 1824, a public celebration of the birthday of the king of England was seriously considered. Early in the following January Lucas Alamán, Mexican minister of foreign relations, evinced in his report to congress decided partiality for Great Britain, giving it the chief credit for checking the designs of Europe and mentioning the United States only incidentally. On the last day of May, H. G. Ward, hitherto a member of the British commission to Mexico, was granted an enthusiastic reception as *chargé d'affaires* of the English government in Mexico. In a brief speech which he made on this occasion President Victoria expressed deep gratitude for the services of Britain, referring to that country as the great nation which was accustomed to sustain the liberties of the world. British popularity in Mexico was rising to a flood.

On the other hand, the influence of the United States was on the wane. The struggle for independence in Mexico, as in the remainder of Spanish America, had awakened interest and sympathy among the people of the United States. Some had offered their money, others their swords in the contest. The government itself had adopted a neutral policy, but soon had announced the determination to extend recognition and oppose European designs of reconquest. Iturbide, head of the first independent government in Mexico, had expressed admiration for Clay and gratitude for his efforts in Spanish America's behalf in the United States congress. He had likewise predicted intimate relations between the United States and Mexico in the future. The provisional government which followed Iturbide's brief reign had evinced an equally friendly attitude, and Mexico's first republican constitution had been closely modeled after that of the United States. But these early promises of cordiality were not entirely fulfilled, for the Mexican leaders soon found grounds to suspect the aggressiveness of the United States. Don Luís de Onís, agent of

the Spanish government in the United States since 1809, had filled the Mexican archives with alarming accounts of the purposes and ambitions of the Americans of the North and had even published in 1820 a memorial representing both the government and citizens of the United States as entertaining the desire to expand southward immediately to Panama and ultimately to all the regions of the New World. These reports must have been sufficient to arouse distrust among the Mexican leaders. The menacing attitude of North American frontiersmen and utterances of dissatisfaction over the treaty line (Louisiana) of 1819 which came from the press and platform in the United States deepened this distrust into anxiety; and before the first minister of the United States reached Mexico the Mexican envoy at Washington had been directed to ascertain the attitude of the Adams administration respecting the limits between the two countries.<sup>2</sup>

Joel R. Poinsett, who came to Mexico early in May, 1825, in the capacity of envoy extraordinary and minister plenipotentiary of the United States, was not slow to grasp the situation. From Vera Cruz, on May 5, he wrote:

The British government has anticipated us. . . . Their treaty is made, and . . . has been ratified by the lower house. . . . It is now before the Senate— . . . no doubt appears to be entertained of the result.<sup>3</sup>

As soon as he reached Mexico City he managed to obtain a copy of the British treaty.<sup>4</sup> President Victoria's response to Ward's presentation speech filled Poinsett with envious apprehensiveness. It convinced the American envoy that the time had come to place the attitude of the United States towards Spanish America "in its true light". Accordingly

<sup>2</sup> For the preceding paragraphs, Manning's *Early Diplomatic Relations between the United States and Mexico* (pp. 1-88) has been the main reliance; but see also *La Diplomacia Mexicana. Pequeña Revista Histórica*, pp. 9-12.

<sup>3</sup> Poinsett to Clay, No. 1, Mex. Desp., Vol. 1 (State Dept., Bureau of Indexes and Archives).

<sup>4</sup> *Ibid.* to *ibid.*, No. 2, May 28, 1825, *loc. cit.*

he took advantage of his public reception, which took place on June 1, to congratulate Mexico upon the adoption of a republican form of government, to remind the audience of the sympathetic interest with which the people of the United States had viewed the struggle of their neighbors for independence, and to point out that England, in its official procedure toward Mexico, had only followed the example set by the United States. Three days later he remarked in a letter to Clay that the British had evidently "made good use of their time and opportunities". He then went on to explain that the Mexican president and three members of his cabinet were pro-British, but he also noted, hopefully, that "a respectable party in both houses of Congress and a vast majority of the people" were friendly towards the United States and suspicious of Great Britain.<sup>5</sup> Longer residence in Mexico merely served to deepen these convictions. "I am made sensible every day," said Poinsett on August 5, 1825, "of this disposition to court the favor of Great Britain by taking as little notice of the United States as possible."<sup>6</sup>

That the American envoy's summary of the situation was essentially correct is borne out by the testimony of the British chargé himself. Ward wrote Canning, on September 30, as follows:

Mr. Pointsett [*sic*] upon his arrival here, found His Majesty's Government in possession of that influence to which it has so just a claim.—He found the President and Ministers, satisfied with the conduct of England, and her character standing high with the generality of the people. . . . Although the idea of an intimate union between the former colonies of Spain, had long been entertained, nothing was further from the wishes of the Mexicans than to see the United States included in this fraternal bond.<sup>7</sup>

<sup>5</sup> *Loc. cit.*

<sup>6</sup> *Loc. cit.*

<sup>7</sup> Public Record Office, London, Foreign Office, 50, Mexico, Vol. 14; hereafter cited as F.O. 50 (14), Mexico, etc.

In brief, the two agents agreed respecting the sentiments of the executive and his cabinet and only disagreed with reference to the uncertain attitude of the people.

Poinsett's instructions had directed him, among other things, to negotiate treaties of commerce and limits, respectively, and to encourage republicanism in Mexico. He soon concluded that he could not accomplish any of these things until a transformation had been effected in the Mexican cabinet. He therefore appears to have associated himself with the opposition party in Mexico with the view of influencing both the Mexican executive and the Mexican congress. He encouraged the formation of lodges of York Rite Masons which were soon made to constitute the chief political machinery of this party. By the latter part of September a cabinet revolution favorable to the interests and ideals of the United States had been accomplished. Soon afterwards Canning returned the British-Mexican treaty of April 6, 1825, unratified. It was now Ward's turn to become alarmed.<sup>8</sup>

The British chargé began immediately to send to his chief accounts of American designs and ambitions which corresponded exactly with the views which Canning had expressed at the time he was pressing his recognition policy through the British cabinet: "It is the great object of the United States," Ward had written a few days before the cabinet reorganization took place,

to convince the natives of Spanish America, that there exists between them and their brethren of the North, a community of interests, in which no European power can share. . . . I think it highly probable that they will take the earliest possible opportunity, of cultivating any disposition . . . which might be turned to account, in event of a rupture, at any future period, with Great Britain.<sup>9</sup>

<sup>8</sup> The best account of Poinsett's operations in Mexico will be found in Manning, *op. cit.*, p. 190, *passim*. The present writer has also had access to the sources cited by Manning.

<sup>9</sup> Ward to Canning, No. 32, September 6-22, 1825, F.O. 50 (14), Mexico.

After he had obtained a more complete revelation of Poinsett's views and influence, Ward reported:

The formation of a general American federation, from which all European powers, but more particularly Great Britain, shall be excluded, is the great object of Mr. Pointsett's exertions.

And he admitted that "many members of both chambers" had been induced to favor the project and were desirous of sanctioning it by a treaty.<sup>10</sup> Ward thus viewed with no little anxiety the plans for the proposed congress of Panama, for he looked upon this gathering as the possible occasion for perfecting these Pan American ambitions. He was particularly alarmed at the prospect that Poinsett would use his influence to secure as one of the Mexican delegates to Panama, or possibly as head of the Mexican foreign office itself, Señor Michelena, who had been recalled from London at Canning's suggestion and was therefore decidedly anti-British.<sup>11</sup>

Under any circumstances it would have been Ward's duty to counteract the influence of the United States in Mexico. With reference to Mexico and indeed all Spanish America, as has already been noted, the interests and ambitions of the two branches of the Anglo-Saxon family appeared to be in conflict. Now that Ward perceived the purposes and the power of Poinsett he was spurred to even greater exertions. Convinced that the United States had three objects in view—namely, to stultify European plans and influence in America, to secure Mexican territory, and to negotiate a commercial treaty which would embody the maritime principles of the United States and grant important privileges to its merchants—and that these objects were opposed to British interests, the British chargé set himself all the more firmly to checkmate every move of the American envoy.

The next two years accordingly witnessed a spirited contest between Ward and Poinsett. Neither employed methods

<sup>10</sup> Despatch of September 30, 1825 (most private and confidential), *loc. cit.*

<sup>11</sup> Ward to Canning, No. 51, October 31, 1825, F.O. 50 (15), Mexico.

entirely above reproach and both confessed an unwillingness to enter the fray, but Ward appears to have been more aggressive and uncompromising. "I cannot but regret that the Agent of the British government should imagine that whatever influence I may acquire here must of necessity be averse to the interests of the nation he represents."<sup>12</sup> "I never have and never will oppose the establishment of friendly relations between the new American States and Great Britain on such principles as are not hostile to the United States."<sup>13</sup> This was the spirit of Poinsett. At the same time Ward declared: "Nothing could have been further from my wishes, on Mr. Poinsett's first arrival, than to enter into any contest of this description."<sup>14</sup> But once the diplomatic struggle had begun, the British agent pursued his supposed foe relentlessly. If Poinsett sought to put through his negotiations by a sort of alliance with the *Yorkinos*, it appears that the British chargé, with more caution and greater finesse, associated himself with the opposing party. Ward charged that Poinsett resorted to intrigue and slander in order to mar the domestic felicity and destroy the influence of a fair favorite of President Victoria, but he admits that he himself had made use of this favorite in order to carry out his purposes with the Mexican government. Ward accused the American envoy of encouraging the publication of propaganda calculated to foment suspicion against Great Britain and advance the commercial and political ideals of the United States, but Poinsett alleged that Ward had published literature designed to prevent the negotiation of a satisfactory commercial treaty and Ward's own correspondence shows that he expended funds upon a map and in reprinting the abusive Onís memorial, and this solely with the view of adding fuel to the flame of Mexican suspicion toward the United States. Each diplomat gave banquets and

<sup>12</sup> Ward to Rufus King, October 24, 1825, Mex. Desp., Vol. 1.

<sup>13</sup> *Ibid.*, to Clay, July 12, 1826, *loc. cit.*

<sup>14</sup> Ward to Canning (most private and confidential), September 30, 1825, F.O. 50 (14), Mexico.

failed to invite his rival in order that the occasion might be used to disparage and destroy the influence of the nation whose minister was conspicuous for his absence. Ward eagerly seized upon every opportunity to discredit Poinsett, carrying to the Mexican president numerous reports of the American envoy's utterances and making frequent appeals to the personal prejudices of this chief executive. Recalled late in 1826 at his own request, the British chargé reported with evident exultation that Poinsett had not been invited to the farewell reception given in his honor.<sup>15</sup>

It was with reference to a commercial treaty and a boundary agreement that Ward raised his uncompromising hand most effectively against the United States. To these phases of the contest the remainder of the paper must be devoted.

Shortly after his arrival in Mexico, Poinsett approached the Mexican government in regard to the main objects of his mission. Separation of the boundary issue and the commercial pact was soon agreed upon. Poinsett then pressed the latter question in the hope of a speedy settlement. He first sought perfect reciprocity, but he met with firm opposition on this point and eventually surrendered it. The part played by Ward in the difficulty his own letter will reveal:

From M. Esteva, I learnt, at an early period of the negotiations, that perfect reciprocity was at first insisted upon. . . . Against this, I of course told him that I should protest, as Mexico had refused to assent to it in the treaty with Great Britain, and assigned the non-existence of this reciprocity as a plea for her refusal. It certainly did not exist in a greater degree between Mexico and the United States, and consequently the principles, which had been applied to us, must be applied to them. To this M. Esteva gave his full assent. . . .<sup>16</sup>

Having made this initial concession, Poinsett then insisted upon the most favored nation clause. The Mexican government accepted this policy in general but desired to make an

<sup>15</sup> These generalizations are based upon the letters of Ward and Poinsett, too numerous to cite in detail, extending from September, 1825, to the close of 1826.

<sup>16</sup> Ward to Canning, No. 32, September 6, 1825, F.O. 50 (14), Mexico.

exception in favor of the Spanish American states. President Victoria was ambitious for Mexico to play a leading rôle among these states and believed that Mexico's prestige would be advanced by granting preference to them. Moreover, this exception had been admitted into the British treaty of April 6, 1825. Accordingly, the Mexican negotiators once more stood firm. Poinsett called upon Ward in the hope of securing coöperation. He had learned that the British chargé had formerly protested against this exception but had received no response to his note. He now urged him to demand an immediate reply, but the astute and suspicious Ward declined to grant the favor. He had gathered from Poinsett's conversation that this discrimination in the interest of the Spanish American states displeased the American envoy so much that he would never consent to negotiate a treaty which embraced it. He had also inferred from the interview that Poinsett felt the concession would tend to impede the Pan American schemes of the United States.<sup>17</sup> Accordingly, Ward not only developed a sudden unwillingness to insist upon a removal of this exception in favor of the Spanish Americans, but he even began to regret that he had ever protested at all. An impediment which tended to delay the negotiations of a Mexican-American treaty and at the same time was looked upon by Poinsett as interfering with his project of unity among the states of the western hemisphere must not be removed by the hand of a Briton!

A conversation which Ward had with Señor Esteva, who had taken some part in the negotiation of the treaty in question, further confirmed the British diplomat in his view. Esteva reported that he and Poinsett had had a violent discussion regarding the extension of this special privilege to the former colonies of Spain, Esteva urging the British treaty as a precedent and Poinsett contending that the United States and England should be on an entirely different footing. Esteva reported also that Poinsett, losing his temper, had denounced

<sup>17</sup> Ward to Canning, No. 42, September 27-28, 1825, *loc. cit.*

the accursed policy of Great Britain, which he declared to be based upon the maxim of "Divide ut imperes", upon the desire to stifle the "American feeling in America" at its birth, and had then terminated negotiations until he could receive further instructions.<sup>18</sup> Ward's conduct in the matter may best be described in his own language:

I had protested against the clause in question; and reserved to His Majesty's Government the right of taking, with regard to it, such measures as might be deemed expedient:—Circumstances occurred afterwards, connected with Mr. Poinsett's views here, which induced me to withdraw this note, in order to prevent the conclusion of a treaty between Mexico and the United States, on terms which I could not but regard as detrimental to the interests of Great Britain; and I have even gone so far, on more than one occasion, as to express to General Victoria my opinion, that His Majesty's Government would admit of the exception in favor of the former Spanish colonies, provided the United States were obliged to submit to it likewise:—My object in taking this step has, indeed, been attained, and the treaty with the United States is still pending in consequence of it. . . .<sup>19</sup>

Poinsett really did terminate negotiations on September 28, until he could receive further instructions from Washington. When these came they merely upheld his view regarding the clause granting special favors to the American states of Spanish origin. Believing that a show of haste would be impolitic, Poinsett did not again approach the Mexican government on the commercial question until May, 1826. Soon after this date the Mexicans accepted the most favored nation clause without modification. Evidently the government was now more favorable to Poinsett than formerly. No doubt encouraged by this fact, the American envoy determined to press a point which would tend to operate against Great Britain. He attempted to exclude from the advantages of the principle, "free ships make free goods", the vessels of all nations who refused to accept this principle. This would

<sup>18</sup> Ward to Canning, No. 42, September 27-28, 1825, *loc. cit.*

<sup>19</sup> Ward to Canning, No. 68, December 15, 1825, *loc. cit.*

have been a blow at British merchant vessels in case of a general American war. Poinsett found, however, that the Mexicans feared to admit this exception while their treaty with Great Britain was still in process of negotiation and ratification. Unwilling to make this measure a *sine qua non*, he finally consented to accept the treaty without it. The pact was completed on July 10, 1826, almost a year after the negotiations had begun.<sup>20</sup> That Ward had been largely responsible for the delay may fairly be assumed.

It is one thing to consent to negotiate a treaty. It is quite a different thing to ratify it. This part of the procedure was put off until long after Poinsett ceased to be minister in Mexico. The delay was due largely to the indisposition on the part of Mexican leaders to consent to a commercial treaty before a boundary agreement had been accepted by the United States. They insisted upon the synchronous ratification of the two treaties because they feared the territorial designs of the United States. This raises the question as to whether the British chargé had anything to do with the fomentation of this apprehension regarding territory. To this point attention must now be turned.

As early as September 6, 1825, Ward reported to Canning that he had "more than once alluded" to the migration of "American Backwoodsmen" to Texas in "conversations with M. M. Alaman and Esteva" and urged upon them the importance of putting a stop to the evil "at the very commencement".<sup>21</sup> On November 7, following, he went over the whole affair with President Victoria, laying before him a map which showed all the American settlements and a detailed report on Texas. Ward alleged that Poinsett was endeavoring to influence the Mexican congress to take the whole matter out of the executive's hands by relinquishing control over the public lands to the several states and suggested that the matter ought to be given immediate attention. At the end of a long inter-

<sup>20</sup> Manning, *op. cit.*, p. 220 ff.

<sup>21</sup> *Loc. cit.*

view the Mexican president formed the resolution that a commission should be sent to Texas at once in order to report upon the situation. Soon afterwards Ward heard that General Mier y Terán had been offered the headship of this commission.<sup>22</sup> Knowing that Terán was strongly anti-American, but fearing that he might decline the offer on account of pique over his failure to obtain appointment as minister to England, Ward hurried to the general and persuaded him to accept the position. "I have little doubt that the affair will now be very speedily arranged", wrote the British chargé in exultation.

The President has given General Teran the manuscript map of Texas which I left with him. . . . If General Teran goes to the frontier, there will be no occasion for any further interference on our part, as he will, I know, send in a report which will open the eyes of the congress, and make them fully aware of the danger with which they are threatened.<sup>23</sup>

But time was to reveal that Ward was far too jubilant. Terán's appointment was indeed soon accepted by the Mexican chambers, but there was much delay in fixing his salary and general allowance and still further delay in completing the equipment of the commission. It was not until November 10, 1827, that it left the city of Mexico and it was March 1, 1828, when it arrived at San Antonio de Bexar, Meantime the British chargé suffered great anxiety respecting the fate of Texas.

Early in December, 1825, he was deeply aroused by a rumor that Poinsett was negotiating for a vast tract of land which would "give the Americans complete possession of the Gulph of Mexico, from the Floridas, to within a little distance of Sota la Marina, and Tampico." "I have . . . seen both

<sup>22</sup> In fact Ward appears to have been instrumental in persuading the Mexican chief executive to appoint Terán. "It was partly at my instigation that the Countess [Regla] interfered in favor of General Terán, and it was principally owing to her exertions that General Victoria's dislike to him was overcome." (Ward to Canning (separate and private), March 25, 1826, F.O. 50 (20), Mexico.)

<sup>23</sup> Ward to Canning, No. 54, November 15, 1825, F.O. 50 (15), Mexico.

the President and Mr. Esteva upon the subject, and done my utmost to make them sensible of the imminence of the danger with which they are threatened", said Ward. At the same time he complained of the difficulty of making Victoria "or any Mexican sensible, either of the value of Time, or of the necessity of applying an immediate remedy to an evil of so rapid a growth". That Ward's interest was not confined to the welfare of Mexico is evident in his contention that

His [British] Majesty's Government can never see with indifference . . . the whole Northern coast of the Gulph of Mexico, and the best ports which this country possesses on the Atlantic side, . . . fall into the hands of the Americans, who would thus acquire the means, in the event of a rupture with England, of destroying our whole trade with the Gulph.<sup>24</sup>

Nor did the British chargé confine his efforts to goading the Mexican government to action. Early in 1826 he lent his aid to two projects designed to counteract the influence of the American settlers along the northern frontier of Mexico. Due largely to Ward's efforts, General Wavell obtained a large grant south of the Red River and east of the Sabine with the express purpose of colonizing it with Europeans and cutting the American line of communications. At about the same time Ward composed a petition for an Englishman by the name of J. D. Hunter who sought permission to settle upon the international frontier some thirty thousand Indians. Speaking of the latter scheme, the British envoy remarked:

Hunter having assured me that they are well able to comply with their engagements, and determined to resist all encroachments on the part of the Americans, . . . I thought that a better opportunity would not easily be found of opposing a formidable obstacle to the designs of the United States upon Texas. . . .<sup>25</sup>

When Ward perused a copy of the United States-Mexican commercial treaty, which a Mexican friend placed in his hands

<sup>24</sup> *Ibid.* to *ibid.*, No. 64, December 10, 1825, *loc. cit.*

<sup>25</sup> *Ibid.* to *ibid.*, Nos. 18 to 20, March 19, 1826, F.O. 50 (20), Mexico.

on the day following its signature, he ceased to be alarmed with regard to the purely commercial phase of the contest. In this respect he considered the pact virtually harmless. He was worried, however, by the fact that it contained no article specifically defining the boundary. In fact, he intimated that he would have interfered had he not been misinformed about the matter. Now that the treaty had been signed, he declared that he would not oppose its ratification.

Indeed, there was now no need of opposition. He had already, as he himself said, "done everything in" his "power" to bring the Mexican government to a realization of the danger of losing Texas. Once thoroughly aroused, apprehension with respect to this region was all that was required, as the sequel proved, to defeat the treaty. For two reasons, both of them connected with the Texas issue, the Mexican congress refused to ratify the agreement. Ward must share a portion of the responsibility for its defeat.<sup>26</sup>

The Texas question itself appears not to have caused Ward any more anxiety until the early days of February, 1827, when he received news of the Fredonian revolt. He predicted that the declaration of independence which, according to reports, the Fredonians had made over in East Texas would be the first act in a drama that would end in the incorporation of the region between the Sabine and the Rio Grande into the American Union. He declared that this had been the "great object" of Poinsett's mission.

As to the probability of the Territory in question being ultimately thrown into the hands of the United States, by the step now taken by its Inhabitants,—there can be little or no doubt,

said the British envoy. He also reported with evident satisfaction the determination of the Mexican government to send an army into Texas and suppress the insurgents. "It is possible", remarked Ward hopefully,

<sup>26</sup> Ward to Canning, No. 83, July 11, 1826, F.O. 50 (22), Mexico; No. 103, September 9, 1826, F.O. 50 (23), Mexico; No. 123, October 20, 1826, F.O. 50 (24), Mexico.

that this display of vigor in the first instance may terminate the affair at once; and with a view to this I urged the President strongly not to underestimate the importance of the contest, nor to imagine that in these adventurers,—because they were adventurers, he would find a contemptible enemy:—I told him that they were Men reckless of danger,—excellent Marksmen, and so perfectly acquainted with the Country, that they would be able to meet upon their own ground, more than double their number of Regular Troops;—In short, that too much caution could not be displayed, until a Force was assembled, sufficient to bear down all opposition.<sup>27</sup>

In the course of the interview between Ward and the Mexican chief executive the latter gave him to understand that he intended, through the Mexican minister in London, to make “some communication” to the British government regarding the designs of the United States upon Texas. Ward appeared to be anxious to forestall an appeal for aid unless it should prove absolutely necessary. He accordingly returned to England, whither he had been recalled at his own request, by way of New York, where he consulted with Charles R. Vaughan, British minister to the United States. He found Vaughan thoroughly convinced that the United States had not “connived at the conduct of the New Settlers” in Texas<sup>28</sup> and “decidedly of the Opinion” that both the American executive and the American congress considered the boundary “as fixed by the Treaty of Onís [1819]”. This latter fact he communicated to President Victoria. At the same time he wrote Canning that

unless it should be Your [his] Pleasure to renew the Subject, You will [He would] have no further Trouble, at present, respecting a Question which I [Ward had] brought before You [him], perhaps prematurely, from a fear lest the Interests of Gt. Britain should be ultimately affected by it. While it remains [remained] in its present

<sup>27</sup> *Ibid.* to *ibid.*, No. 34 (confidential), February 21, 1827, F.O. 50 (31), Mexico.

<sup>28</sup> Vaughan to Canning, No. 7, February 25, 1827, F.O. 5 (233), America.

State, the Measures lately taken by the Mexican Govt leaves [left] no Ground-for Apprehension as to the Result.<sup>29</sup>

Thus ended Ward's Mexican mission, but not the influences which he set in motion during his residence. These were to have far-reaching consequences. He had spared no effort in arousing Mexican apprehensions with respect to the ambitions of the United States and the menace of the American "backwoodsmen", as he called them, in Texas. He had expressed his conviction "both publicly and privately, that the Great End of Mr. Poinsett's Mission" was to

embroil Mexico in a Civil War, and to facilitate, by doing so, the Acquisition of the Provinces to the North of the Rio Bravo, by the United States.<sup>30</sup>

Such suspicions, once implanted in the Mexican mind, could not be rooted out by any private letters to the Mexican chief executive. Ward had been instrumental in causing the Victoria administration to send to Texas a commission headed by Terán, of whose unfriendly attitude toward the American settlers he was most confident; he had spread propaganda tending to convince the Mexican reading public of the greed and perfidy of their neighbor, and the effect of these acts was irrevocable.

The sequel of Ward's machinations in Mexico may be read in the reports of Terán and the Mexican policy based upon them. Soon after arriving in Texas this commissioner began to dispatch alarming accounts of conditions in the province. In a private letter to President Victoria, written from Nacogdoches on June 30, 1828, he remarked:

The whole population here is a mixture of strange and incoherent parts without parallel in our federation: numerous tribes of Indians, now at peace, but armed and at any moment ready for war . . .; colonists of another people, more progressive and better informed

<sup>29</sup> Ward to Canning, (separate and private), June 20, 1827, F.O. 50 (32), Mexico.

<sup>30</sup> *Ibid.* to *ibid.* (private), March 31, 1827, F.O. 50 (31\*), Mexico.

than the Mexican inhabitants, but also more shrewd and unruly; among these foreigners are fugitives from justice, honest laborers, vagabonds and criminals, but honorable and dishonorable alike travel with their political constitutions in their pockets, demanding the privileges, authority and offices which such a constitution guarantees. The most of them have slaves, and these slaves are beginning to learn the favorable intent of the Mexican law toward their unfortunate condition and are becoming restless under their yoke, and the masters, in the effort to retain them, are making that yoke even heavier; they extract their teeth, set on the dogs to tear them in pieces, the most lenient being he who but flogs his slaves until they are flayed. . . .

Terán then went on to utter the following warning with reference to the attitude of the American settlers toward Mexico and the Mexicans:

It would cause you the same chagrin that it has caused me to see the opinion that is held of our nation by these foreign colonists, since, with the exception of some few who have journeyed to our capital, they know no other Mexicans than the inhabitants about here, and excepting the authorities necessary to any form of society, the said inhabitants are the most ignorant of negroes and Indians, among whom I pass for a man of culture. Thus I tell myself that it could not be otherwise than that from such a state of affairs should arise an antagonism between the Mexicans and foreigners, which is not the least of the smoldering fires . . . I have discovered. Therefore, I am warning you to take timely measures. Texas could throw the whole nation into revolution.<sup>31</sup>

A despatch to the Mexican minister of war on November 14, 1829, contained a vehement philippic against American politicians and frontiersmen. "They begin", said Terán,

by assuming rights, as in Texas, which it is impossible to sustain in a serious discussion, making ridiculous pretensions based on historical incidents which no one admits—such as the voyage of La Salle, which was an absurd fiasco, but serves as a basis of their claim to Texas.

<sup>31</sup> As quoted by Alleine Howren, "Causes and Origin of the Decree of April 6, 1830", in *The Southwestern Historical Quarterly*, XVI. (1913), 395-398.

Such extravagant claims as these are now being presented for the first time to the public by dissembling writers; the efforts that others make to submit proofs and reasons are by these men employed in reiterations . . . in order to attract the attention of their fellow-countrymen, not to the justice of the claim, but to the profit to be gained from admitting it. At this stage, it is alleged that there is a national demand for the step which the government meditates. In the meantime, the territory against which these machinations [occur], and which has usually remained unsettled begins to be visited by adventurers and *empresarios*; some of these take up their residence in the country, pretending that their location has no bearing upon their government's claim or the boundary disputes; shortly, some of these forerunners develop an interest which complicates the political administration of the coveted territory; complaints, even threats, begin to be heard, working on the loyalty of the legitimate settlers, discrediting the efficiency of the existing authority . . .; and the matter having arrived at this stage—which is precisely that of Texas at this moment—diplomatic manoeuvres begin. . . . He who consents to or does not oppose the loss of Texas is an execrable traitor who ought to be punished with death. . . .<sup>32</sup>

A letter written under Terán's direction to the Mexican minister of war early in January, 1830, reveals an even more decided distrust of the United States and of the loyalty of the American colonists in Texas. In fact it went so far as to charge the United States government of collusion in the Fredonian Revolt of 1826-1827. "General Terán does not doubt", says the despatch,

that the United States will carry out its project of possessing Texas at the first opportunity, which to them will be as soon as they think we are torn by civil strife . . .; either they would incite the American population of Texas to revolt, as they tried to do in 1826 at Nacogdoches, or else force would be used to support these pretended claims. . . .

The writer then proceeds to outline a plan for checkmating the influence of American settlers in Texas and binding the

<sup>32</sup> *Ibid.*, p. 400 ff.

region more closely to the central government. The encouragement of European and Mexican settlers and the increase of the army in Texas were the most important recommendations. He then concluded:

General Terán thinks it not impossible that the government of the United States of the North, on perceiving a firm determination on our part to hold our own and to support and improve Texas, will begin to carry on its work openly; therefore it may be expedient to act quickly and place ourselves on the defensive as soon as possible. The ratification of the treaty concluded in Mexico, and designating the boundary between the two nations, should afford the time required for the adoption of the above measures. . . .<sup>33</sup>

The man under whose eager scrutiny these reports ultimately fell was none other than Lucas Alamán, of whose pro-British sentiments Poinsett had often complained. Several upheavals in Mexican politics had brought him for the third time to the headship of the foreign office. On January 14, 1830, he sent to the chief executive a preliminary statement based upon the document last analyzed. He had little new to offer save a suggestion that Great Britain be invited to make a declaration against any design of the United States upon Texas. On February 8, he transmitted his famous report to congress. Except for three recommendations, Alamán merely reiterated the charges and suggestions of Terán. On April 6, congress accepted his report virtually as presented.<sup>34</sup>

At last the Texans were to be taken in hand, and this at the very time their seven-year tariff exemption was expiring and colonists for the most part with a free-trade philosophy were beginning to feel the weight of a revenue system com-

<sup>33</sup> *Ibid.*, pp. 407-408, 412.

<sup>34</sup> For a careful discussion of the origin of this law, see Howren, *op. et loc. cit.* An English translation of Alamán's report will be found in House Ex. Doc. No. 351, 25 Cong., 2 Sess., p. 312 ff.

The influence of the British may be seen even in this report. Alamán remarks: "Some of them [the Americans] have said that Providence had marked out Rio Bravo as the natural boundary of those States, which has induced an English writer to reproach them with an attempt to make Providence the author of their usurpations. . . ."

pared to which the abominable duties of the United States act of 1828 were mild indeed. And the official who was designated to enforce all these measures was the same Mier y Terán who owed his connection with Texas affairs to Henry George Ward! Events now moved with all the inexorableness of fate toward the Texas revolution. For precipitating this event it is fair to conclude that the British chargé was partially responsible.

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Were Ward's activities in Mexico duly authorized by the British government? The evidence is somewhat indefinite but conclusive. Canning's American policy, which had the check-mating of the influence of the United States in Spanish America by the establishment of British predominance in Mexico as its keynote, surely must have been known to Ward. This fact being granted, Canning probably thought detailed instructions not only unnecessary but under certain possible conditions even inconvenient. Certainly it would be safer to allow Ward, with his general knowledge of the views of his chief, to rely upon his own discretion. If the chargé got his chief into trouble the chargé could be disowned; if he carried out measures which would, without undue risk, advance the interests of Great Britain these might be turned to advantage.

The correspondence now available indicates that this was Canning's general attitude. He revealed considerable indisposition to respond to Ward's urgent importunities for detailed directions. On December 9, 1825, Canning wrote:

As the sailing of the packet of this month is fixed for tomorrow, after having been once put off, I am loath to detain it again. . . . I will write you by the next packet, or sooner, by a ship of War.

In the mean time, I have only generally to express my approbation of your zeal in H. My's service, of the judgment with which you have regulated your conduct, and language, under circumstances of great difficulty and delicacy, and of the ability with which your Despatches are drawn.<sup>35</sup>

<sup>35</sup> F.O. 50 (9), Mexico.

Early in January, 1826, Canning found himself once more indisposed to detain the Mexican mail! "I will not, however, omit the opportunity," said Canning,

of assuring you generally that your conduct, in the very difficult and trying circumstances, which you have had to encounter, has been such as H. Mys. Govt. for the most part approve; and that even where, under pressure of an urgent necessity to decide in very doubtful cases, you may have decided otherwise than either the event or subsequent reflection may have justified, you may rely upon it that there is no disposition to judge you otherwise than with indulgence. . . .

I must also add specifically that in all that relates to the watching and counteracting of the intrigues of the American Minister Mr. Poinsett, you appear to have exercised a judgment as sound, as your zeal has been meritorious.<sup>36</sup>

Lastly, there is no indication that Canning ever reprimanded Ward for publishing and circulating a map of Texas and the Onís memorial with the view of arousing suspicion regarding the designs of the United States and its citizens;<sup>37</sup> and a few years after the death of the great English statesman one of his devoted followers who had special knowledge of his American policy declared in the House of Commons:

If the United States have declared that they cannot allow the island of Cuba to belong to any maritime power in Europe, Spain excepted, neither can England, as the first of those maritime powers—I say it fearlessly, because I feel it strongly—suffer the United States to bring under their dominion a greater portion of the shores of the Gulf of Mexico than that which they now possess.<sup>38</sup>

Further evidence appears to be unnecessary. There is little reason to doubt that the British government fully approved Ward's entire procedure. During this early period at

<sup>36</sup> Instructions of January 6, 1826, F.O. 50 (19), Mexico.

<sup>37</sup> Planta to Ward, June 20, 1826, *loc. cit.*

<sup>38</sup> William Huskisson, *Speeches* (ed. 1831), pp. 579-580. Speech of May 20, 1830.

least it was strongly resolved to defeat the ambitions of the Anglo-Americans, whether territorial, commercial, or political, and its efforts were partially responsible for delay in the ratification of a United States-Mexican commercial treaty as well as for hastening the Texas Revolution.

J. FRED RIPPY.

## FRENCH OPINION OF THE SPANISH-AMERICAN WAR

The present-day American considerably disillusioned from his recent European dream is interested in what has been the average European attitude toward him at various crises in the past. Searching studies have rendered quite intelligible European attitude toward the Civil War, and recently attention has turned rather toward the War with Spain. Here the publication under German governmental auspices of *Die Grosse Politik* has invited American attention to certain previously unchallenged myths, and it has been demonstrated that Germany in 1898 was not prepared to make the situation at Manila Bay a *casus belli*. Indeed the traditional interpretation of the Von Dietrichs-Dewey episode suspiciously resembles British propaganda.

Curiously enough, however, French attitude toward the same war has in the main escaped attention. The average American if questioned on the subject would probably declare that France was friendly to us then, as always, though in this he would be mightily in error as Americans in Europe at that time could testify. Yet even to one who knows the facts the extent of French ill will toward the United States in 1898 may seem a bit surprising. Nevertheless a search in the Library of Congress for material bearing on the subject reveals not a single utterance by any Frenchman which could be viewed as genuinely friendly to the United States, though on the whole the Socialists were the least embittered among the various groups of French opinion.

The present paper undertakes by summary and quotation from varied sources to present a fair impression of French attitude toward the United States in 1898. It is realized that these sources are comparatively limited in range, but their

testimony gains from the total absence of contradiction. Apparently to multiply the sources would simply amount to iterating and reiterating the conclusions, without much variation. It is regretted that so few of these sources are newspapers, but the *Journal des Débats* gave much attention to the unfolding of events in Cuba and its files deserve a rather close attention.

The issue of the *Journal des Débats* for January 4th partially excused even the atrocities of Weyler on the score that, under the instructions given him by Canovas, military operations could not well be conducted in any other manner than they were.<sup>1</sup> But the removal of the general deprived the Americans of whatever pretext he afforded. Furthermore returning order in the island coupled with autonomy for Cuba threatened to remove all future causes for complaint, unless Congressman Hitt and his associates could first set fire to powder.<sup>2</sup>

Publication of the Dupuy de Lôme attack on the ability and motives of President McKinley elicited the comment that in ordinary times no serious consequences would have followed, but that in existing circumstances it might be seized upon by those who sought to stir up mischief.<sup>3</sup> Sympathy at first was rather with the United States.<sup>4</sup> But on reflection the editors perceived that De Lôme's position was a privileged one, the offending letter being private. To treat the case too seriously would be evidence of jingoism.<sup>5</sup>

With these presuppositions, the sinking of the *Maine* was instantly imputed to Cuban and not to Spanish treachery, Cuban agents at New York laboring assiduously to pour oil upon the flames.<sup>6</sup> When it was perceived that war could

<sup>1</sup> *Journal des Débats*, January 14, 1898.

<sup>2</sup> *Ibid.*, January 23, 1898.

<sup>3</sup> *Ibid.*, February 11, 1898.

<sup>4</sup> *Ibid.*, February 14, 1898.

<sup>5</sup> *Ibid.*, February 17, 1898.

<sup>6</sup> *Ibid.*, February 27, 1898.

scarcely be avoided,<sup>7</sup> Cuban intervention on the part of the United States was declared to be

an act of international piracy. No principle of international law has ever permitted one country to interfere in the internal affairs of another under pretext that civil war is being prolonged on the latter's territory and that ruin is accumulating.<sup>8</sup>

Admiration kept march with sympathy for Spain, whose dignity and calm so happily contrasted with jingoism in America.<sup>9</sup> Approval was accorded a proposal of the *Nouveau Temps* of St. Petersburg that the continental powers should memorialize Washington on the subject of its aggression.<sup>10</sup>

Editorial comment enlarged upon the difficulties of mediation where public opinion was so thoroughly aroused as in the United States toward the action of old world powers upon the new. Nor was the problem simplified when as

in the present case France is unanimous in regarding justice as on the side of Spain [yet] many recollections and common aspirations attach her to the United States.<sup>11</sup>

With war appearing more and more inevitable, the *Journal des Débats* arraigned the United States before the bar of history in a severe indictment. Attacks on Spanish sovereignty, the provocative tone of the presidential address, the belligerent reaction which it precipitated in congress, the turmoil of press and public sentiment, hypocritical pretenses of humanity, need not blind the public to the essential selfishness of American objectives and the weight of its responsibility "before the conscience of mankind and before the bar of history".<sup>12</sup> Spanish grant of an armistice to the insurgent

<sup>7</sup> *Ibid.*, March 2, 1898.

<sup>8</sup> *Ibid.*, March 9, 1898.

<sup>9</sup> *Ibid.*, March 15, 1898.

<sup>10</sup> *Ibid.*, March 16, 1898.

<sup>11</sup> *Ibid.*, April 3, 1898.

<sup>12</sup> *Ibid.*, April 9, 1898.

Cubans was the final test of America's sincerity. To demand anything beyond this ultimate concession was to be convicted of

a desire to replace Spain in the exploitation of "the pearl of the Antilles".<sup>13</sup>

As for the humanitarian and Christian protestations of President McKinley, these were labeled "sophistry", that "sophistry which with Americans assumes so naturally a sentimental form". The message of the president was nothing more than the proclamation in the economic sphere of that "right of intervention" which the Holy Alliance three quarters of a century earlier had asserted in the field of politics—a point admittedly well taken.<sup>14</sup>

Senate and house committee reports on the necessity for Cuban intervention were characterized as "monuments of international bad faith".<sup>15</sup> And the editor, aware, perhaps, that his evident partiality for Spain might be attributed to ties of race, denied that his sympathies reposed on any basis so transparent. Unlike the English newspapers professing friendship for the Anglo-Saxon "Ce n'est pas comme Latins que nous sommes sympathiques a l'Espagne".<sup>16</sup>

Only occasionally, as in the comparison between McKinley and the Holy Allies, could a daily news organ stop to take the long view. That is more natural to a calculated work upon diplomacy. Here there appeared in 1898 a volume well suited to express the matured French verdict. Charles Benoist in *L'Espagne, Cuba, et les États Unis* advanced the thesis that the United States for a century past had sought to persuade the Spaniards of how admirable a bargain they could make by ceding Cuba. An idea of this sort was odious to Spain in view of all that Cuba meant of glories waned and blood poured

<sup>13</sup> *Journal des Débats*, April 11, 1898.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*, April 15, 1898.

<sup>16</sup> *Ibid.*, April 22, 1898.

out. On the other hand no sentiment could overcome the geographic fact that Cuba was inevitably a part of the American economic and eventually political sphere, and subject therefore to

the inflexible laws of political gravitation which Mr. Adams and after him every American president, every American Secretary of State have proclaimed and invoked against her [Spain].<sup>17</sup>

A reviewer of the book in question was even more severe. With a high scorn of the huxtering propensities of Yankees, he declares that

The following chapter is devoted to the singular policy pursued by the United States with reference to the Cuban question and great is the contrast between this policy of traders weighing in pounds of gold the island whose possession they so greatly envy, and the chivalrous policy of Spain.<sup>18</sup>

Historians of diplomacy might enlarge as they saw fit, but with professional brevity a military journal reduced the case to three main propositions. First there was the unwelcome and inopportune visit of the cruiser *Maine*. Then followed swiftly the publication of a private letter of Dupuy de Lôme. On February 15th the *Maine* blew up from causes never ascertained.

This last event, imputed by certain newspapers to the Spaniards as an act of perfidy, crowns the indignation of the American people.<sup>19</sup>

Some corrective to these one-sided views is afforded in the columns of *La Revue Socialiste* which almost alone among French organs of opinion found somewhat to condemn in Spain.

Spain has given evidence in this supreme crisis of all the retrograde obstinacy which has consumed and rendered her sterile since the time

<sup>17</sup> Charles Benoist, *L'Espagne, Cuba, et les États-Unis* (Paris, 1898), p. 123.

<sup>18</sup> *Annales de l'École Libre des Sciences Politiques* (Paris, 1898), XIII. 130 (review by A. V.).

<sup>19</sup> "L'Espagne et l'Insurrection Cubaine," in *Revue Militaire de l'Étranger*, LIV. 144.

of Philip II. In foreign as well as in domestic policies she is still contemporary with the Duke of Alva.

The action of America, on the other hand, was merely the compulsion of a modern capitalism ever driven on to the obtaining of new markets. Viewed more largely still the ultimatum of McKinley might be termed

a declaration of war of the new world against the old, the expression of a transformed Pan Americanism, the unlimited extension of the principles of Monroe.

The immediate causes of the war were attributed by the socialistic editor to industrial syndicates and financiers and to jingoistic newspapers as influential at Washington as their counterparts in European capitals, all willing to spend liberally to bring about a war certain to inure to their own profit.

Instead, however, of joining in the hue and cry against the wicked Yankees, *La Revue Socialiste* drew a larger moral to include the entire concourse of the capitalists, for

Anglo-Saxon America has merely arrived at that point of industrial maturity which was reached by the older nations on this side of the Atlantic twenty years ago. Urged on by its internal mechanism in conformity with its economic structure, it seeks for outlets, becoming conqueror in its turn.

But the politics of McKinley was superior to the Old World's, even so, for notwithstanding its resemblance to the partition of Poland, the division of Africa, and the breaking up of China, it was not confined to serving purely selfish interests. Unlike its prototypes "it will contribute toward emancipating a people justly seeking independence and toward consecrating right". No title this to Europe's friendship "where the horror of new things has become almost an international cement".<sup>20</sup>

*Revue des deux Mondes*, dignified and cosmopolitan, distinguished sharply between Spain's faults in Cuba and her

<sup>20</sup> Paul Louis, "A Propos de la Guerre Hispano-Américaine," in *La Revue Socialiste*, May, 1898, pp. 606, 608, 609, 610, 611.

correct relations with the United States, a correctness which the latter, too, in some degree maintained,<sup>21</sup> despite the war-like character of the McKinley reply to the offer of mediation by Pope Leo XIII.<sup>22</sup> In the same publication, Charles Benoist, French authority on Cuba, repeated the favorite comparison of Cuba with an apple soon to fall upon American soil unless the European powers and Hispanic America should intervene.<sup>23</sup> The approaching catastrophe he attributed to America's jingo press—a viewpoint strictly in accord with that of William Randolph Hearst.<sup>24</sup>

With war a fact and not a probability, M. Brunetière declared on April 30th that French opinion, however emotionally inclined to Spain, must not forget her ancient ties of friendship with America, hoping on behalf of both that the war would prove a short one.<sup>25</sup> These comments if not precisely friendly to the United States, were in good taste, at least.

Without multiplying unduly these evidences of French opinion regarding the war's preliminary stages, one may reasonably include the comment of an international lawyer as possessing, of necessity, a special outlook. Temperate in their phrasing, his observations are unmistakeably pro-Spanish. Tracing the cause of the war to America's intervention between Spain and the insurgent Cubans—a procedure of very doubtful right, particularly in view of previous encouragement and incitement of the Cubans—it was to be noted particularly that America's procedure was "an important and violent application of the Monroe Doctrine", in full harmony with the "maxim every day more vigorously asserted: America for the Americans!" This attitude, the legist added, was to be noticed all the more in the light of the Venezuela inci-

<sup>21</sup> *Revue des deux Mondes*, CXLVI. 235 (March 1, 1898).

<sup>22</sup> *Ibid.*, p. 956 (April 15, 1898).

<sup>23</sup> *Ibid.*, p. 958.

<sup>24</sup> *Ibid.*, CXLVII. 239 (May 1, 1898).

<sup>25</sup> *Ibid.*, p. 240.

dent of 1896 and was a menace, in varying degrees, to all European powers holding colonies in America.

International law could not forget that Spain and the United States were the only powers, save Mexico, which had not adhered to the Paris Declaration of April 16, 1856, determining the relations of belligerents and neutrals toward hostilities at sea. For the course of the existing war, however, both belligerents had accepted these provisions, "whether from a tacit acceptance of principles they recognize as just, or from fear of stirring up a neutral coalition". For this they were rewarded by declarations of neutrality on the part of leading maritime powers, including France. On account of its objective, then, as an assertion of the Monroe Doctrine and its character as a naval war, the conflict was necessarily of interest to all the powers. They should endeavor to restrict its duration and to limit its consequences.<sup>26</sup>

International law with special reference to the outbreak of hostilities was minutely examined in the professional *Journal de Droit International Privé et de la Jurisprudence Comparés*, where it was observed that war was commenced by the United States without a formal declaration beyond the fact that an ultimatum demanding the evacuation of Cuba within three days was known in Spain, whereupon General Wood, the American minister at Madrid, was given his passports. But this, asserted the French technician, was not equivalent to a declaration, in as much as war does not inevitably result from the suspension of diplomatic intercourse. "Hence", continues the commentator,

an ambiguity in the international situation of the United States, whose status as a belligerent was not established, and [hence] the impossibility of justifying these hostile acts, particularly the capture of Spanish commercial vessels.

To escape this equivocal position congress passed joint resolutions to the effect that war existed and had existed

<sup>26</sup> Frantz Despagne, *La Diplomatie de la troisième République et le Droit des Gens* (Paris, 1904), pp. 794-795.

since April 21st, that day included. Could such a resolution passed on April 25th have retroactive effect? An important point for the validity of the seizure of Spanish ships within the previous five days.<sup>27</sup>

One more citation to initial stages and we may pass on to action and negotiation. *Chronique Internationale* in *Annales des Sciences Politiques* notes that the more conciliatory was Spanish attitude the more exigent became American demands. Very noticeable was this in the Message of December 6, 1897, which was menacing indeed. It was the opinion of *Chronique* that

The United States has omitted nothing to create the obligation of forceful intervention, without however succeeding in rendering this obligation evident to the civilized world.

A view was here set forth that in the Dupuy de Lôme affair the injury was Spain's in that a private letter of the Spanish minister had been stolen from the federal post and printed in a yellow journal—a view which circumstances really warranted though it was the United States that made the reclamations, when only the prompt resignation of the minister preserved his government from serious embarrassment. Again in the *Maine* disaster the United States refused to arbitrate, preferring to nurse its grief and cherish it. It was Consul General Lee who pressed the charges first, while Spain in vain demanded his recall. Nor did he quit his post till April 11th, two days after Spanish grant of an armistice to the insurgents and the McKinley message making unavoidable the war. It seemed to the observer that the United States was inexorably bent upon bringing Cuba under its control, or influence at any rate.<sup>28</sup>

The views above assembled resulted from the keen analysis of very able men. European publicists would not readily attribute imperialistic demonstrations on the part of the

<sup>27</sup> *Journal du Droit International Privé et de la Jurisprudence Comparés*, XXV. 432-433.

<sup>28</sup> *Annales des Sciences Politiques*, XLV. 643-645.

United States to the altruism of a crusade. Spain as legal owner doubtless had the better case in point of law. Certainly the lawyers of the old world seemed to think so. But the letter of the law blinded its adherents to the inferno created in Cuba by its lawful owner. Destiny and cosmic justice alike combined to favor the United States. Apparently the sole French organ of opinion to sense this deeper truth was *La Revue Socialiste*. Unquestionably the general bias of the others was hostile to America

The progress of the war elicited unfeigned sympathy for Spain. *Revue des deux Mondes* entreated Spain to continue worthy of the world's approval to the very end.<sup>29</sup> The contest was viewed as frankly one between the Latin and the Anglo-Saxon. Much bitterness was felt toward England for its Anglo-Saxon sympathies, particularly with respect to the campaign of propaganda and insinuations which the English press was levelling at France.<sup>30</sup> "It is true", the editor conceded,

that a portion of French opinion has borne witness to sympathy for Spain. But is it not permitted to lament for Spain without becoming suspect to the United States, and without being denounced to them by England, which in this case plays a part but little worthy of her?<sup>31</sup>

Spain's faults of administration admittedly were grievous, but its punishment was not less painful to consider. Let the war end swiftly. "For this there is needful a great resignation on the part of Spain and some generosity on that of the United States".<sup>32</sup>

On a naval war, French naval comment was important. An unsigned article on "Les Marines de L'Espagne et des États-Unis" contended that it would have been to Spain's

<sup>29</sup> *Revue des deux Mondes*, CXLVII. (May 15, 1898).

<sup>30</sup> *Ibid.*, p. 718 (June 1, 1898).

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, p. 958 (June 15, 1898).

advantage to commence hostilities in 1897, "when they already had such just causes for a rupture".<sup>33</sup> The historian, Émile Simond, remarked that the United States long had coveted the Philippines.<sup>34</sup> On the latter aspect of the war an anonymous article in *La Revue de Paris* is of peculiar interest. Written in diary form by a mysterious Lieutenant X, its entries are significant:

Mercredi 4 Mai—At sea. We are all convinced that Europe's duty is to intervene; and, almost all of us are certain that Europe will not intervene. Of what are diplomats made? They have no sense of action. To the doctrine of Monroe should be replied the doctrine of Europe; to "America for the Americans!" should be set off "the Americans in America!" What more beautiful occasion? If there were a genuine statesman in Europe he would seize it. But not a single foreign minister is strong enough, is free enough, to dare it. . . . And you may be sure that they will not raise their little finger for Spain; they will do no more for her than for Greece. The death of France has begun the agony of Europe.<sup>35</sup>

The author balances more judiciously on the following day the relative claims of each belligerent to the sympathy of France. Spain's misconduct in the past three years is admitted frankly. Spain is admired for courage, but its administration is no better than it was three centuries ago. Alva lives again in Weyler. The French Revolution has left on Spain no genuine influence.

But on the other hand, no Frenchman will admit that the pretext of right serves for a conquest. It is here that the Americans wound us to the quick.

Their claim to eleemosynary purposes is altogether flimsy. Their aim is conquest. Vanquished now, right must eventually prevail.<sup>36</sup>

<sup>33</sup> *Ibid.*, p. 374 (May 1, 1898).

<sup>34</sup> Émile Simond, *Histoire de la troisième République* (Paris, 1913), p. 262.

<sup>35</sup> *La Revue de Paris*, August 1, 1898, p. 515.

<sup>36</sup> *Ibid.*, pp. 520-521.

It was reckoned as unfortunate for Spain that up to the very outbreak of the war too much reliance was placed upon Europe—a reliance quite unwarranted. Faith in William II. is particularly in vain. Much as he might like to spare Europe from the American peril, he will never take the risk.

The Convention, a Bonaparte, are capable of such a policy; neither Kaiser nor Germany have shown that they were. Greece is there for witness.<sup>37</sup>

By the 12th of May the course of events had converted the lieutenant to a reluctant admiration for the Yankees. To be sure justice, reserve, moderation, generosity were qualities unknown to Yankee psychology. In all respects their taste was execrable. But they were obviously winning, and Europe must surely take account of them. Above all she must not suffer them to set foot in the Philippines.<sup>38</sup>

With the bitterness of a military man disgusted at non-participation in the liveliest events of the day, on May 21st the lieutenant predicts the sale of the Philippines by America to England. German interest on this point being in harmony with French, he declares that

all the French officers are unanimous, and I believe the Germans, too, in the opinion that America and England must not be trusted with the joint disposal of the islands.

Also, with a somewhat ludicrous solicitude for popular sovereignty, he moralizes on the impudence of buying and selling a country as if it were a piece of merchandise. He notes, moreover, that any talk of sale is to the English, never to the French or Germans.<sup>39</sup> British occupation of Gibraltar is still a sore spot with the Spaniards and colors their attitude toward Great Britain in the Philippines as well as elsewhere.<sup>40</sup>

<sup>37</sup> *La Revue de Paris*, p. 526.

<sup>38</sup> *Ibid.*, pp. 864-865.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*, p. 888.

Great Britain was actually betraying Europe by abetting the United States, for "One cannot aid them better than by breaking the moral unity and the precarious harmony of Europe".<sup>41</sup>

Lieutenant X concludes his article in a mournful key. "The finest funeral oration", he remarks,

does not revive a corpse. At Cavite all Spain has received its punishment. A people, after all, is responsible for the government which it obeys or imposes on itself.

Spain is reaping the harvest of her apathy and her own misgovernment. "Victory is to the most intelligent".<sup>42</sup>

Turning from these expressions of specialized opinion it will be pertinent to examine once more the running comment of the *Journal des Débats*. Entry of the United States into Far Eastern politics was viewed with particular alarm. It was tantamount to a meddling with Europe's own concerns. The immediate consequences will be an Anglo-American-Japanese grouping, of doubtful permanence, however,

Some politicians and publicists already see an Anglo-American alliance looming up; but this is moving too fast. In reality the whole affair is speculative.<sup>43</sup>

On May 17, the Paris daily lamented the misunderstanding growing up between the French and the Americans. French sympathy for Spain had been too aggressively expressed, and the Americans had taken umbrage,

many of them concluding that the French were nourishing against them a veritable hatred, when the fact is that they are among the foreigners for whom we feel the most natural sympathy.<sup>44</sup>

In this regrettable estrangement of Americans the editor perceived the fruits of British propaganda.<sup>45</sup> A distinction was

<sup>41</sup> *Ibid.*, August 15, 1898, p. 879.

<sup>42</sup> *Ibid.*, p. 894.

<sup>43</sup> *Journal des Débats*, May 11, 1898.

<sup>44</sup> *Ibid.*, May 17, 1898.

<sup>45</sup> *Ibid.*

carefully preserved, however, between the American yellow press and the American government, certain favorable clauses in the Dingley Tariff affording evidence that the government ignored the absurd exaggerations of the journalists, knowing well that whatever the sympathies might be of individual Frenchmen "France as a nation has preserved and is determined to preserve a strict neutrality".<sup>46</sup>

Destruction of the Spanish navy was recognized as removing Spain's last hope of victory.<sup>47</sup> The corollary is recognition of the United States as a great naval power and to be reckoned with as such. A foothold in Hawaii, present influence in the Far East may lead to a coaling station in the Philippines and Eastern Extensions of the Monroe Doctrine. British perception of this sequence may be responsible for haste in the enlargement of the navy.<sup>48</sup> Harsh peace terms by America will antagonize the neutrals. But fact surpasses theory. Spain is weak and will grow weaker.<sup>49</sup> More important, really, is the scope and skill of British propagandists, imposing on Americans

the legend of a European entente against the United States rendered suddenly impossible by the decisive opposition of England.<sup>50</sup>

In the six months period covered by the comments above noted the war had run its course. Peace was already projected and was soon to be reality. Cervera had won his honorable laurels even as his fleet was sinking. His heroic conduct was one of the few bright lights for Spain in a year calamitous.<sup>51</sup> But destruction of Cervera's fleet left no course but peace. Overtures toward this were made at the end of July, with M. Cambon, French ambassador at Washington, the intermediary.<sup>52</sup>

<sup>46</sup> *Journal des Débats*, June 1, 1898.

<sup>47</sup> *Ibid.*, July 8, 1898.

<sup>48</sup> *Ibid.*, July 24, 1898.

<sup>49</sup> *Ibid.*, July 31, 1898.

<sup>50</sup> *Ibid.*, November 14, 1898.

<sup>51</sup> *L'Année Politique*, 1898, p. 220.

<sup>52</sup> *Ibid.*, p. 291.

This action on the part of Spain was tribute to the influence and policy of M. Delcassé, who very recently had assumed the portfolio of foreign affairs. In deference to the services of Delcassé and Cambon, Paris was selected as the seat of peace negotiations.<sup>53</sup>

Assent to such a choice was evidence on the part of the United States either of that magnanimity which Frenchmen so universally denied her, or of a supreme confidence in her own power to dictate terms, confidence which the outcome was to justify, though embarrassments of a hostile environment were certainly foreseen.

In the light of the probability of peace M. Francis Charmes had written by the middle of July that enough blood was shed already to fulfill the requirements of Spain's honor. More would serve no useful purpose.<sup>54</sup> On the 31st he was praising France for the undeviating correctness of her attitude, which won for her the right to mediate.<sup>55</sup> These comments of Charmes, appearing as they did in "Chronique" of *Revue des deux Mondes* invariably reflected an influential sector of opinion. In August he accounted it good news that the Spanish government accepted in principle the peace conditions set forth by the Americans. He apprehended great difficulty in the solution of those problems created by the Philippines.<sup>56</sup>

This prediction was promptly enough fulfilled, for precisely on the subject of the Philippines a deadlock soon arose, threatening renewal of the war. Charmes declared on November 30th that fresh resistance would be madness.

She [Spain] has done, and on a noble scale, all that honor demanded of her; today she can do nought else than bow before an ineluctible

<sup>53</sup> Cf. Graham H. Stuart, *French Foreign Policy from Fashoda to Serajevo* (New York, 1921), p. 19; also Willis F. Johnson, *America's Foreign Relations* (New York, 1916), II. 264.

<sup>54</sup> *Revue des deux Mondes*, CXLVIII. 495-496 (July 15, 1898).

<sup>55</sup> *Ibid.*, p. 734 (August 1, 1898).

<sup>56</sup> *Ibid.*, p. 950 (August 15, 1898).

necessity. The most recent news proclaims that this is what she has done.<sup>57</sup>

Delay in reaching an agreement respecting the Cuban debt and the Philippines was intentional. The issue was deliberately postponed when preliminaries were arranged.<sup>58</sup> But in this regard the United States, said Charmes, did not deserve the charge of insincerity. Lack of generosity was the worst that could be imputed unto them, clearness being intentionally avoided, "Spain had nothing good to anticipate either in the omission or in the intentional obscurity".<sup>59</sup> As for American public sentiment, the democratic was more moderate, and, in Charmes's opinion wiser; the republican was more chauvinistic, but it predominated, and governed the instructions of America's peace commissioners.<sup>60</sup>

Referring to the subject, so disagreeable to Frenchmen, of an Anglo-American *entente*, Charmes laments the tariff policy of France, though he admits that

nos tarifs de douane ont la hauteur d'un simple parapet comparés à l'immense muraille que les Américains ont construite de leurs mains énergétiques et rudes

and he concludes that "England may live to regret her present patronage of the United States".<sup>61</sup>

*L'Année Politique* summarized the case more briefly. Citing America's demands as three-fold, namely, complete abandonment of Cuba, refusal to pay interest on the Cuban debt, and surrender of the Philippines, the editors declared that "the Spanish commissioners refused from the beginning to negotiate upon such excessive pretensions".<sup>62</sup>

*Annales des Sciences Politiques* was more outspoken. A purely technical magazine, not ostensibly the vehicle of propa-

<sup>57</sup> *Revue des deux Mondes*, CL. 697 (November 15, 1898).

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*, p. 698.

<sup>60</sup> *Ibid.*, p. 699.

<sup>61</sup> *Ibid.*, pp. 700-701.

<sup>62</sup> *L'Année Politique*, 1898, pp. 405-406.

ganda, it asserted that to Americans generosity appeared superfluous, that the preliminary terms, sufficiently rigorous in themselves, were outdone by the definitive treaty. America's refusal to assume the Cuban debt was especially odious.<sup>63</sup> On the subject of democracy and war the interesting generalization is recorded that

The Spanish-American War has modified profoundly the conditions of general politics. It has demonstrated—or rather has reminded those who had forgotten it—that the democratic form [of government] does not necessarily remove a state from the temptations of belligerency and the appetite for conquest. The United States has neglected in the arranging of the peace conditions the equitable traditions which European practice and the writings of jurists have seemingly converted into laws, in that which concerns the charges bearing upon annexed territories. These are dangerous precedents.

Europe's timid attempt to prevent the war, and Great Britain's defiance of the continent for the sake of America's goodwill and possible alliance are vital features of the situation. British policy in this respect is risky, hazarding the supremacy of London and at the same time almost inviting an *entente* of continental states against England.<sup>64</sup>

M. Frantz Despagnet, whose work on diplomacy has been previously cited, when he comes to discuss the peace negotiations, waxes enthusiastic at the tribute paid to France's international position in the selection of Paris as the scene of the negotiations. But while this was soothing to the Latin pride—and the author traces the proceedings in some detail from the preliminary move of Cambon to the signing of the definitive treaty on December 10th—M. Despagnet is merely making the best of what he undoubtedly regarded as calamitous. "France", he concludes,

was not able to assure to Spain easier and especially more just conditions: she had, at any rate, fulfilled to the utmost her pacifying

<sup>63</sup> *Annales des Sciences Politiques*, 1898, XIV. 645-646.

<sup>64</sup> *Ibid.*, p. 647.

rôle of terminating a war, whose prolongation would, perhaps, have ruined Spanish power and moreover have menaced Europe by a larger increase of American conquests.<sup>65</sup>

In all of this Cambon came in for his full share of praise. His zeal received the official commendation of M. Delcassé at the Foreign Office,<sup>66</sup> and he was promoted soon to London. Certainly the minister had reason to be pleased that his very recent assumption of portfolio was signalized by such good fortune in the diplomatic field. In a message of August 15th to the French ambassadors at London, St. Petersburg, Berlin, Vienna, and elsewhere, he declared:

We are permitted to believe, in fact, that we have contributed toward abridging the sufferings of peoples subjected to cruel hardships and toward facilitating the reestablishment of peace between two powers toward which we bear an equal friendship.<sup>67</sup>

So far as official utterance was concerned the neutral boast of Delcassé was justified.

French good offices on Spain's behalf were viewed by one French author as a link between a policy of friendship toward Hispanic America and a corresponding goodwill toward Latin Italy as part of an entente for all the Latin powers. This was conceived to be the heart and core of the policy of Delcassé, and such it really was, at the outset of his ministry at any rate. It was good insurance against Great Britain.<sup>68</sup> So far was France in 1898 from the *entente cordiale* of 1904.

Toward peace negotiations as toward previous aspects of the war the socialists proved themselves to be more objectively informed than were their bourgeois neighbors. *La Revue Socialiste* noted the intense surprise of Frenchmen at

<sup>65</sup> Despagnet, *La Diplomatie de la troisième République et la Droit des Gens*, pp. 795-796.

<sup>66</sup> Ministère des Affaires Étrangères, *Documents diplomatiques. Négociations pour la Paix entre l'Espagne et les États-Unis* (Paris, Imprimerie Nationale, 1898), No. 16, August 13, 1898.

<sup>67</sup> *Ibid.*, August 15, 1898.

<sup>68</sup> Christian Schefer, *D'Une guerre à l'autre* (Paris, 1920), pp. 229-230.

a victory more striking than Japan's in 1894 and 1895.<sup>69</sup> Socialistic moralizings on the outcome have a most familiar ring. Admitting the enthusiasm of the American masses for Cuban liberty, the movements of the fleet and army served the interests of bourgeois capital in New York, Philadelphia, and Chicago. Their campaigns in Cuba and the Philippines were not essentially different from French adventures in Tonkin, from the Jameson raid in Transvaal, or from other European colonial ventures. "They constitute the perfect type of contemporary economic warfare."<sup>70</sup> And more will surely follow. Capital requires new outlets, and

who knows on what side the cabinet at Washington will direct its blows, what power it will attack, what new territory it will attempt to seize?<sup>71</sup>

America had long been absorbed in her own continental expansion. She was like Germany in Bismarck's chancellorship a "satiated state". In Cleveland's term there came a craving for overseas expansion. The president resisted it. McKinley, on the other hand, succumbed to it. The recent war was obviously for conquest. Thus America, in the concept of the socialist, was no different from its capitalistic neighbors, no worse, perhaps, but certainly no better, a victim of a system ever thirsting for new markets.<sup>72</sup>

Fragmentary as these references are, in the light of their singular unanimity and in the absence of any contradiction, it is fair to assume that they conform to French opinion. Drawing from quite other sources the biographer of White-law Reid arrives at an identical conclusion with the present study. "The French press," he remarks,

<sup>69</sup> *La Revue Socialiste*, XXVIII. 405, article by Paul Louis on "La Situation Internationale".

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*, XXIX. 555-556, article by Paul Louis, "Le Socialisme et l'Expansion coloniale contemporaine".

continued unfeignedly hostile. In *Le Gaulois*, in *Le Figaro*, in *Le Matin*, and in other powerful journals it was generally predicted that the Spaniards would refuse to sign a treaty surrendering the Philippines.<sup>73</sup>

The ambassador himself was well aware of this preponderating sympathy with his adversaries.

After all the sentiment was natural and even unavoidable. But it is well for Americans to understand it. If a survey of French opinion toward the United States in 1898 constitutes an antidote for the enthusiasms of more recent date, it demonstrates that inasmuch as friendships are less steadfast than they sometimes seem, international security is best advanced by calm examination of a nation's interests, rather than by frenzied appeals to an imaginary love.

LOUIS MARTIN SEARS.

Purdue University.

<sup>73</sup> Royal Cortissoz, *The Life of Whitelaw Reid* (New York, 1921), II. 245.

# THE *REAL DE MINAS* AS A POLITICAL INSTITUTION

## A STUDY OF A FRONTIER INSTITUTION IN SPANISH COLONIAL AMERICA

In Spanish America the *real de minas* was a mining district. It consisted of a settlement of indeterminate size and the mines dependent upon it within a radius of five, ten, and even fifteen miles. This district was generally an administrative entity, being a *lugar*, *villa*, *ciudad*, *alcaldía mayor*, or *corregimiento*,<sup>1</sup> as the case might be. Because of the inclusion

<sup>1</sup> In view of the technical Spanish words and expressions in this article, it has been deemed wise to insert here a glossary covering all not specifically defined in the text. This is as follows:

Word or Phrase	Meaning
Adelantado	A type of proprietary conqueror who obligated himself to bear most of the expense of conquering and peopling the wilderness in return for wide powers and extensive privileges.
Alcabala	Sales tax.
Alcalde mayor	An official, generally directly under a governor or an audiencia, who exercised civil, military, and judicial jurisdiction over his district, the <i>alcaldía mayor</i> .
Alcalde ordinario	A combination justice of the peace and mayor—primarily a local justice having jurisdiction of first instance in civil and criminal cases.
Aldea	Village.
Alguacil	Executive officer of the court and police officer of the town.
Araastre	The crushing mill for metalliferous ores, made of granite grinding-stones.
Ayuntamiento	The body of municipal officers.
Bando	General proclamation.
Cabildo	Town council.
Caja real	Royal strong-box.
Casa de moneda	Mint.
Cédula	Decree.
Ciudad	City; technically, a municipality of the first class having the most numerous <i>ayuntamiento</i> .

<i>Word or Phrase</i>	<i>Meaning</i>
Consulado	Tribunal of commerce, appointed to try and decide causes which concerned navigation and trade.
Corredor de lonja	Exchange broker.
Corregimiento	Jurisdiction of a corregidor; often analogous to an alcaldía mayor. The corregidor exercised administrative and judicial control over his district which was a subdivision of a province or an audiencia district.
Cura	Priest.
Diputación de minería	Delegation of miners' deputies.
Entrada	An expedition of exploration.
Escribano de consejo	Clerk of the council (cabildo).
Escribano de minas y registros	Notary and clerk for the mines.
Escribano público	Notary Public.
Fiel executor	Officer of justice who serves executions.
Gobierno	Jurisdiction of a gobernador or governor; often analogous to a province.
Juez	Judge.
Jurado	Juror.
Lugar	A village or very small town; of the municipalities it had the smallest ayuntamiento.
Oficiales reales	Here used as the royal treasury officials: contador (accountant), tesorero (treasurer), and factor (manager).
Partero	Obstetrician.
Pregonero	Town crier.
Procurador	Attorney.
Pueblo	Any inhabited place.
Ranchería	A collection of huts, like a hamlet.
Real de minas	A mining district, <i>i.e.</i> , a settlement and its dependent mines.
Real hacienda	Royal treasury.
Recopilación de leyes de las Indias	Body of laws emanating from the Council of the Indies for the government of the Indies.
Regalía	Rights or prerogatives of the crown.
Regidor	Councilman.
Regimiento	Magistracy of a city.
Teniente de alcalde mayor or capitán-general	A lieutenant alcalde mayor or lieutenant captain-general.
Villa	A town which occupies a middle position, with respect to its ayuntamiento, between the lugar and the ciudad.

of the all important mines it presents numerous departures from the ordinary civil organization. It is the writer's purpose in this paper to present the salient features and significance of the real de minas in local administration in Spanish colonial America.

The name "real de minas" neither signifies that there was a fortress or military camp (both called *real*) in the mining settlement, nor that it belonged to the king. The early expeditions of explorations in America were military affairs, and, although they had various aims, there was the ever-present hope of finding accumulated treasure, or rich mines of gold and silver. A conquest was regarded as useless which did not result in the discovery of precious metals. The first care of the captains of "*entradas*" was to dispatch soldiers to the places where they heard that metals might be found. Since the military encampments were known as *reales*, and since, in the early days of the conquest, they were always found near the mines, the terms "*reales*" and "*minas*" often appeared in conjunction. Later there arose a confusion of terms of the camp of the troops with that of the civilian workers of the mines; and finally the name "real de minas" was applied to the mining camp whether troops were present or not. "Real", when used alone, generally referred to an individual mine, whereas, "real de minas" referred to a mining district, i.e., a settlement and its dependent mines.<sup>2</sup>

The historical development of the real de minas in America begins with the inauguration of the second phase of the Spanish occupation. The first period was marked by the searching out and despoiling of semi-civilized kingdoms rich in treasures of gold. Cortés, Pizarro, and Quesada were the greatest and most fortunate of the gold-mad *conquistadores* who searched breathlessly from Florida to Patagonia for advanced

<sup>2</sup> V. Riva Palacio, *México á través de los siglos* (Barcelona, 1888), II. 483; Fausto de Elhuyar, *Memoria sobre el influjo de la minería en la agricultura, industria, población y civilización de la Nueva España* (Madrid, 1825), p. 10; H. H. Bancroft, *History of Mexico* (San Francisco, 1883), III. 579, note 22.

native cultures. When it appeared that there was no more accumulated treasure to seize, the Spaniards began to develop the mineral resources of the Americas. Although expeditions continued to be sent in search of El Dorado, Gran Quivira, the Amazon Island, and other fantastic lure, the widespread contagion had passed, and men turned their attention to the more prosaic business of developing gold and silver mines. The rise of the *real de minas* was a natural and immediate consequence of the reduction of the precious mineral ores.<sup>3</sup>

Since the *real de minas* presents, administratively, certain departures from the ordinary local governing units, it is necessary, in order that we may make comparisons in the course of this article, to present at the outset the significant features of Spain's local governing machinery. In the Spanish Indies there was no well constructed, particularly differentiated, administrative hierarchy, for the confusion of functions which existed in the Iberian Peninsula was continued in the colonies. We are constantly beset by exceptions to what to outward appearances seems a general rule. This is particularly true of local government. For administrative purposes the viceroyalty was divided into *audiencias*. According to the power they exercised there were three classes of *audiencias*: those of the viceroyalties, captaincies-general, and the presidencies.<sup>4</sup> The *audiencias* in turn were subdivided into *gobiernos*, *provincias*, *corregimientos*, and *alcaldías mayores*. The terms "gobierno" and "provincia" offer the greatest confusion, for broadly speaking they denoted administrative districts practically removed from viceregal control, like La Plata and Chile, or districts bestriding *audiencias* like Nueva Vizcaya.<sup>5</sup> But in the strictest sense the word "*gobernador*" was applied to officials of the smaller jurisdictions, located in the cities

<sup>3</sup> Elhuyar, *El influjo de la minería*, p. 9.

<sup>4</sup> C. H. Cunningham, *The Audiencia in the Spanish Colonies* (Berkeley, 1919), p. 21.

<sup>5</sup> The province of Nueva Vizcaya was under the Audiencia of Guadalajara in judicial matters. In all other affairs it was under the jurisdiction of the viceroy and the Audiencia of Mexico.

and places which were at the head of a province, or where they seemed necessary as delegates of the central power. The most common local districts and the ones with which we shall be most concerned, were the *corregimiento* and *alcaldía mayor*. They bore a relation to the *audiencia* somewhat analogous to that of the French *arrondissement* to the *département*.

While in Spain there was some difference between *corregidores* and *alcaldes mayores*, in the colonies there was little or no difference between them. It appears that the term "corregidor" was more generally used in Peru, whereas "alcalde mayor" was more common in New Spain. Although the Laws of the Indies provided that these local officials should be appointed by the king, they were frequently appointed by the viceroy, but more often were designated locally, and their names were sent to Spain for confirmation. They acted as judges, inspectors of *encomiendas*, administrators of *hacienda* and police, collectors of tribute, vice-patrons, and captains-general.<sup>7</sup> They were responsible to the viceroy in administrative and military affairs, and to the *audiencia* in matters of justice. Over his district the *alcalde mayor* or *corregidor* was quite as supreme as a prefect or intendant.

The real unit of local government in the Indies was the municipality. It is important to note, however, that the town which was implanted in the colonies was the Spanish town of the sixteenth century, *i.e.*, the town in which the primitive independence and direct democratic system had given way to royal intervention and control. The colonial municipality, although a well-organized administrative institution, was thoroughly amenable to the royal will and afforded little opportunity for self-government. We examine it therefore as an important cog in the wheel of royal control.

<sup>6</sup> Juan de Solórzano y Pereyra, *Política Indiana* (Antwerp, 1741), p. 389; Rafael Altamira y Crevea, *Historia de España y de la civilización Española* (Barcelona, 1913), III. paragraph 695.

<sup>7</sup> For a good discussion of the *alcalde mayor*, see Cunningham, *The Audiencia in the Spanish Colonies*, pp. 26-31.

Municipalities were classified as "ciudad", "villa" or "lugar". The rank of a town was conditioned by its population, importance, and service to the crown; and was reflected in its privileges, and in the size and composition of its council or *cabildo*.

A metropolitan city was to have a juez with the title of adelantado, alcalde mayor, corregidor, or alcalde ordinario, who should exercise jurisdiction jointly with the regimiento of the town or city. The regimiento was to consist of two or three officials of the hacienda real, twelve regidores, two fieles executores, two jurados from each parish, a procurador general, a mayor domo, one escribano de consejo, two escribanos públicos and one escribano de minas y registros, one pregonero mayor, one corredor de lonja, and two parteros. In the case of a diocesan or sufragán city there were to be only eight [sometimes six] regidores. The villas and lugares were to have an alcalde ordinario, four regidores, an alguacil, one escribano de consejo, an escribano público and a mayor domo.<sup>8</sup>

The limits of a municipality were conditioned by the population of the surrounding area rather than by its own population. A town generally extended to the boundaries of neighboring towns or cities, and for that reason in thinly settled districts municipal limits included a considerable extent of adjacent territory. The kinds of land tenure to be found within the municipal district will be explained in the course of this article.

The *ayuntamientos* or *cabildos* of the Indies were composed of *alcaldes ordinarios*, *regidores*, *procuradores*, *alguaciles*, and other officials. The principal ones were the first two. The alcalde ordinario exercised judicial power of first instance in civil and criminal cases. Appeals from his decisions went to the cabildo, the alcalde mayor, or to the audiencia, depending on the character of the case to be appealed.<sup>9</sup> In the absence of the governor or alcalde mayor, the alcalde ordi-

<sup>8</sup> O. Garfield Jones, "Local government in the Spanish colonies as provided by the Recopilación de Leyes de Los Reynos de las Indias", in *Southwestern Historical Quarterly*, XIX. 67-68.

<sup>9</sup> Jones, *ut supra*, p. 76.

nario presided over the cabildo meeting. No town was to have more than two *alcaldes ordinarios*. In villages where there was no cabildo, the *alcalde ordinario* acted as the lieutenant of the *alcalde mayor* and his power was practically supreme. He was a good working combination of justice of the peace, town-constable, and town-recorder. His authority has been likened to that of a patriarch—he was the chief overseer of local interests; he controlled incoming and outgoing, toil, prices, morals, and recreation. The *regidores*, or councilmen, secured office by appointment, election, or purchase. Their number in the cabildo varied from four for *villas* and *lugares*, to six, eight and even twelve for *ciudades*. They had to be land owners in the town.<sup>10</sup> The *cabildos* had both judicial and administrative functions. In civil affairs they formed a court of appeals for contests of a certain class. As to administrative power, theoretically the cabildo had free sway in everything concerning public works, rates, industry, commerce, jails, hospitals, public morals, and customs. But as a matter of fact the *cabildos* remained subjected to *corregidores* and *alcaldes mayores*. It was through these officers that the crown successfully invaded the old-time liberties of the Spanish municipality.

A study of the mining community in its political aspect must be based, not only upon a knowledge of the machinery of local civil government, but also upon an understanding of Spanish land and mining legislation, for both bodies of law tended to converge in the *real de minas*. In the mining community one encounters various classes of property in land—for example, the individual allodial grants, the communal grants or *propios*, the royal domain or *baldíos*, and the *propiedad de la mina*, or mineral grant.<sup>11</sup>

<sup>10</sup> For a detailed description of the various municipal officials, see Jones, *ut supra*, pp. 74-81.

<sup>11</sup> The writer has striven to avoid, so far as the character of the subject permits, a discussion of land and mining legislation and mining methods. There is an abundance of material on these subjects, whereas the *real de minas* as a political organism has never been discussed.

First, with respect to the supremely important laws which governed the ownership of land. As early as the thirteenth century in the *Siete Partidas* of Alfonso the Wise, making settlements or apportioning the land without royal permission was prohibited, for all Spain was called the "*herencia real*" and all land belonged to the king.<sup>12</sup> The Indies, having been discovered and conquered at the expense of the Castilian crown, the old laws of Spain were applied to them, in that property and complete dominion belonged to the crown.<sup>13</sup> It was a right of the sovereign, therefore, to dispose of lands in the Indies, and he never fixed a limit on its extension. Ownership remained in the hands of the king by right of conquest, although the use of the land, in perpetuity, was granted his subjects under certain conditions.<sup>14</sup>

The earliest law defining grants in America was that of Ferdinand V., given at Valladolid, June 18, 1513.<sup>15</sup> The crown, to stimulate the settlements of the Indies, and increase the well-being of its inhabitants, ordered the founders of new settlements to make outright grants of lands of two kinds, namely, *peonías* and *caballerías*. These terms originated in the land rewards to the *peones* (infantry), and to the *caballería* (mounted troops). The superficial extent of the grants was carefully defined. The *peonía* represented the amount of land sufficient to maintain a single family, and in general comprised about one hundred acres. The *caballería* was an

<sup>12</sup> Mariano Galvan, *Ordenanzas de tierras y aguas* (Mexico, 1849), p. 23. The principle that the nation was the patrimony of the crown was abolished by the Constitution of 1812.

<sup>13</sup> The *realengo*, says Solórzano, belonged to the king by virtue of the conquest of the Montezumas and the Incas "who had exercised absolute control". It is doubtful if these caciques exercised sovereignty in the European sense (Solórzano, *Política Indiana*, p. 511).

<sup>14</sup> Galvan, *Ordenanzas de tierras y aguas*, p. 25.

<sup>15</sup> *Recopilación de leyes de los reynos de las Indias* (Madrid, 1774), 4:12:1. This form of citation, which will be used throughout this paper, is translated: libro 4, título 12, ley 1. The law of June 18, 1513, entitled "Ley para la distribución y arreglo de la propiedad", is printed in *Código de colonización y terrenos baldíos de la República Mexicana* (Mexico, 1893), pp. 3-4.

allotment of land five times that of the peonía, and was granted to persons of greater merit, or, in the words of the *cédula*, to "those of higher rank and more deserving". The holding probably contained from 500 to 1,000 acres of land, according to its character. Titles of full ownership were obtained after four years' occupancy and improvement. This law was embodied almost exactly in the famous colonization ordinance of 1573.<sup>16</sup>

Another, and much more notorious kind of landgrant in the early years of the Spanish conquest, was the *encomienda*. Putting aside a discussion of the original purpose and character of the *encomienda* system, it is merely necessary to observe that,

within a brief period the system lost its original character and became simply a method of land tenure, since the colonists soon came to look upon the districts assigned to them as being virtually their own and to regard the native agriculturists as their serfs.<sup>17</sup>

In the extensive *encomienda* grants to Cortés and his associates we witness the origins of the vast haciendas so characteristic of the Díaz régime in Mexico. Besides the peonías, caballerías, and *encomiendas*, private rights in land could be acquired by purchase, for it was a by no means unusual practice of the crown to sell lands to particular persons for revenue.<sup>18</sup> The lands donated or purchased were called "*de*

<sup>16</sup> "Ordenanzas sobre descubrimiento nuevo y población", in *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españolas de América y Oceanía* (Madrid, 1868-1884), VIII. 484-537. The ordinance is also found in *Recopilación de leyes de las Indias*, 4:1:18; and in Diego de Encinas, *Provisiones, cédulas, capítulos de ordenanzas, instrucciones, y cartas libradas y despachadas en diferentes tiempos por sus magistades . . . con acuerdo de los señores presidentes, y de su consejo real de las Indias* (Madrid, 1596), IV. 232-246.

<sup>17</sup> G. M. McBride, *The Land Systems of Mexico* (New York, 1923), p. 45.

<sup>18</sup> Solórzano, *Política Indiana*, p. 512. "The sovereigns had retained the right of making sales of tierras baldías or realengas in favor of communities or individuals . . . these concessions were known as 'mercedes'" (Galvan, *Ordenanzas de tierras y aguas*, p. 25).

*dominio particular*” because they could be transferred or sold as ordinary private property.<sup>19</sup>

An additional form of allodial tenure in Spanish America was the collective holding. This originated in the logical practice of modeling the new settlements after the Castilian agricultural villages, which, from ancient times, were land-holding bodies.

Royal orders issued by Charles V and Philip II provided regulations to be followed in the establishment of new villages. After specifying in detail the factors to be considered in the selection of town sites (climate and situation in respect to coast, rivers, lakes, mountains), it was ordered that great care should be exercised in the choice of a place where there would be fertile lands adjoining, where pasture would be available, where there would be an abundance of timber for fuel and for constructions, and where a supply of water would be assured for the people and for their fields. The site having been selected, the town was to be laid out in an orderly fashion, and lots assigned to the settlers; the *impresario*, or person founding the town, was to be allowed one-fourth of all lots, the remainder to be distributed equally. The tillable land lying about the town was also to be allotted to the settlers, the recipient of a village lot being also entitled to a *suerte* (lot) of agricultural land. It would seem that, at first, these plots were given to the colonists on the same terms as were their *solares* (building lots) and became their individual property (*cosa suya propia*) if occupied within three months and properly “proved up” within four years. The individual allotments were originally limited to five *peonías* or three *caballerías* (500-1500 acres). Before these individual allotments were made, however, lands were to be set aside for the common use of the inhabitants, including pasture grounds (*dehesas*) sufficient for cattle and *ejidos* sufficiently extensive for any probable future growth of the settlement. The remaining lands included in the town grant were to remain *baldíos* (public and unoccupied lands reserved by the crown for future grants), except that from these latter were to be selected certain portions as *propios*, the income from which would be used to defray the expenses of village administration. The common lands were to

<sup>19</sup> Galvan, *Ordenanzas de tierras y aguas*, p. 24.

be administered by the town council, an elective body which was to be formed in every case as soon as the settlement was made.<sup>20</sup>

A significant feature of the expansion of New Spain into unoccupied areas was that it was accomplished by the founding of land-holding *pueblos*. This plan of colonization was particularly characteristic of the mining regions.

In the first years of the Spanish occupation the above elaborate requisites concerning the land were generally disregarded. Since there was everywhere so much land and so few Spaniards, the crown was not inclined to be strict. This naturally facilitated "squatting", and for many years land was occupied, transmitted, and sold without legal title. In 1571, Philip II. attempted to end this abuse by ordering that titles to all lands should be shown. Thereafter there was a return to closer royal control, and the distribution of lands was strictly reserved to the crown acting through the royal treasury officials.<sup>21</sup>

Next we must direct our attention to the vast body of laws enacted to facilitate and regulate mining in Spanish America.<sup>22</sup> Down to 1584 the principal collection of mining laws was referred to as "*El Antiguo Cuaderno*", or the "*Old Ordinances*".<sup>23</sup> This consisted of ordinances issued by the Catho-

<sup>20</sup> McBride, *Land Systems of Mexico*, pp. 107-108. The regulations concerning the laying out of new towns, in the colonization ordinance of 1573, have been translated by Mrs. Zelia Nuttall for *The Hispanic American Historical Review* (IV. No. 4, November, 1921, and V. No. 2, May, 1922). Although Mrs. Nuttall found the regulations in manuscript form in the Archivo Nacional, Madrid, they are identical in content with printed copies mentioned above. (See note 1, p. 45.)

<sup>21</sup> Solórzano, *Política Indiana*, p. 512; José L. Cossio, *Apuntes para la historia de la propiedad* (Mexico, 1918), p. xxiii.

<sup>22</sup> For a bibliography of mining legislation and mining practices, see Rafael Aguilar y Santillan, *Bibliografía geológica y minería de la República Mexicana* (Mexico, 1898).

<sup>23</sup> In the *Nueva Recopilación* (Madrid, 1537); subsequent editions were issued in 1581, 1592, 1598, 1640, 1723, and 1745. Those laws relating to the mines in the old codes such as *Fuero Real* (1255), *Siete Partidas*, (1348), and *Leyes de Toro* (1505), when not specifically revoked, were still in force.

lic Kings, Charles V.<sup>24</sup> and Philip II. In 1548, Philip II. promulgated the "*Nuevo Cuaderno*", or "*New Code of Mining Laws*". This, based largely on German common law<sup>25</sup> was substituted in the *Nueva Recopilación* for the *Old Ordinances*, which, "so far as they are [were] in opposition to the provisions of this law" were repealed. Although the *Nuevo Cuaderno* was originally issued for the miners of Spain, it very shortly, by royal decree, was applied also to the Indies "when not at variance with the municipal laws of each province".<sup>26</sup>

In Mexico [and Peru] the curious phenomenon of an independent development of mining law at variance in many points with the royal regulations is witnessed.<sup>27</sup>

The viceroys issued ordinances and reglamentos for the discovery and working of the mines.<sup>28</sup> The earliest of these were the laws promulgated by Viceroy Antonio de Mendoza on July 3, 1536. After several revisions these laws were finally issued, on January 14, 1550, as a code of mining law. There is evidence that this first American mining code remained in vigor in New Spain at least to the end of 1577.<sup>29</sup>

<sup>24</sup> In 1525, Charles V. promulgated laws establishing the mining branch in America. In 1526, he made provision for the discovery and working of mines (Carlos Sellerier, *Data Referring to Mexican Mining*, Mexico, 1901, p. 27).

<sup>25</sup> *Ibid.*; Francisco Xavier de Gamboa, "Commentaries on the Mining Ordinances of Spain", in Rockwell, *Spanish and Mexican Law*, p. 121. It is impossible to determine the extent of Germanic influence in the Gothic code, the *Fuero Juzgo* (seventh century), but it is believed that the influences from the Roman mining world prevailed in that code. Both the *Antiguo Cuaderno* and the *Nuevo Cuaderno*, however, show a strong German influence, ascribable to the close relations existing between Spain and Germany during the reign of Charles V. German miners came to Spain in great numbers—a German introduced the silver amalgamation process into Spain—and it is natural that they should carry with them the highly developed customs, methods, and laws of their craft.

<sup>26</sup> Gamboa, *Commentaries*, p. 119.

<sup>27</sup> A. S. Aiton, "The First American Mining Code", in the *Michigan Law Review*, XXIII. No. 2, p. 107.

<sup>28</sup> Riva Palacio, *México á través de los siglos*, II. 676.

<sup>29</sup> For an analysis of this code, see Aiton, "The First American Mining Code", pp. 108-113.

The most noteworthy of the viceregal mining ordinances was that drawn up by Viceroy Francisco de Toledo of Peru.

These ordinances (the observance of which is directed by a special law of the Indies . . .) together with the laws of Castile, where not at variance with the former, are to be looked to as the rules for deciding suits at law concerning mines, and for their economy, government and working, in that kingdom.<sup>30</sup>

Although designed for Peru, they proved to be very useful to the officials of New Spain regarding those matters not touched upon in the *Nuevo Cuaderno* and the *Recopilación de Indias*.

The complete body of mining legislation was not unified until 1680 when the scattered laws for America issued by the king and the Council of the Indies were collected and digested by order of Charles II. in the *Recopilación de leyes de los reynos de las Indias*. Book 4, titles 19 to 21, contain legislation for the discovery, working, and regulation of the mines. For the next century the several titles of the *Recopilación de Indias* constituted the principal body of laws for the protection of the mines. In 1783 a new and very important code was framed, designed to simplify and harmonize legislation. This was the famous *Reales ordenanzas para la dirección régimen y gobierno del importante cuerpo de la minería de Nueva-España y de su Real Tribunal General*.<sup>31</sup> Although originally issued for New Spain the *Reales Ordenanzas* were soon applied to all the Indies. The nature of this remarkable code will become apparent in the course of this article, for it was one of the writer's most valuable aids.<sup>32</sup>

In Spain mineral interests in land were considered, from primitive times, independent of interests in the surface land.

<sup>30</sup> Gamboa, *Commentaries*, p. 119.

<sup>31</sup> *Ordenanzas Reales de la Minería de la Nueva España y de su Real Tribunal General* (Madrid, 1783); the *Ordenanzas* are printed in English translation in Rockwell, *Spanish and Mexican Law*, pp. 7-112.

<sup>32</sup> For a brief survey of the development of Spanish-American mining laws, see Santiago Ramírez, *La Propiedad de las Minas: Estudio Minero-legal* (Mexico, 1883), pp. 86-104.

The subsoil products were regarded as constituting an integral part of the *real herencia*. This right of the crown was clearly expressed in the *Ordenamiento de Alcalá* by Alfonso XI:

All the mines of gold and silver and lead and any other metal belong to the king, and no one is to work them without order of the king.<sup>33</sup>

It was argued that property rights came originally from occupation—later through inheritance, transfer, and purchase. The mines, considered in the abstract, were incapable of occupation, possession, sale, or transfer. Thus, the minerals could not belong to the original holder of the land, and could not be sold or transferred. It follows that mineral interests cannot be attached to superficial interests. They constituted as real a part of the *regalía* as did the unoccupied lands,<sup>34</sup> and therefore, in the granting of mining claims the system of *regalía* was the very soul of all the dispositions. This explains the remarkable precautions taken by the crown to guard its interests. With the mining claim then, we shall be concerned with an entirely distinct kind of land grant. As distinguished from the pastoral and agricultural grants which were conveyed from provincial authorities by sale, and were an absolute or conditional gift, the right to dig for minerals was a special concession of the king himself, obtained by registration of discovery or by denouncement of another mine for “non-working”. Thus, an agricultural grant did not carry with it property in the minerals; the right to the minerals was vested in the crown.<sup>35</sup>

Although the subsoil minerals belonged to the crown, it generously refrained from appropriating the exploitation to itself. The same liberal policy was adopted which was noted with respect to the land, that is, the right of exploiting mines was granted Spanish subjects under conditions which later

<sup>33</sup> Ramírez, *La propiedad de las minas*, p. 62.

<sup>34</sup> *Ibid.*, p. 14.

<sup>35</sup> This principle has been maintained by the Mexican Republic, with the exception of the years 1884-1917.

amounted to practical private property. In 1504 the privilege of seeking and operating mines was extended to all Spaniards, provided their claims were first officially registered, and they engaged to take the precious metals to the *casa de fundición* (royal smelter) to be assayed, taxed, and stamped. In 1526, Charles V. greatly extended private rights in the mines; they were opened to all free inhabitants, Spaniards and Indians, and only certain officials and ecclesiastics were prohibited from making claims.<sup>36</sup> The "*libertad de las minas*" meant the right conceded by the sovereign to all to take part of the sub-surface property to exploit the minerals, even though it be on another's land.<sup>37</sup> The "*quinto*", or royal impost on the mining returns was therefore based on the old practice, dating back to Roman times, of requiring large royalties from the miners for the privilege of developing the mines. In the early days of the discovery the royal impost was two-thirds. It was later diminished until one-fifth (*quinto*) became the customary amount. When the mines were of difficult access, and the obstacles to their successful operation were great, the crown facilitated their development by reducing the impost to one-tenth or even one-twentieth.<sup>38</sup>

In New Spain immediately subsequent to the conquest, mines were appropriated without much regard for legal procedure. On May 4, 1534, Charles V. created the office of *escribano mayor de minas y registros* to keep records of all mining claims filed with provincial officials.<sup>39</sup> Thereafter, the royal control of the mining branch was the most carefully supervised and efficiently administered of the whole colonial government. Likewise, the mining branch was the object of the king's most solicitous paternalism. His desire, naturally, was

<sup>36</sup> Vasco de Puga, *Cedulario* (Mexico, 1563), pp. 12 and 21. This law, dated November 9, 1526, was repeated in 1551, 1563, 1568, and 1575.

<sup>37</sup> Ramírez, *La propiedad de las minas*, p. 35.

<sup>38</sup> The mines of Nueva Vizcaya, during the governorship of Francisco de Ibarra, paid one-twentieth.

<sup>39</sup> *Recopilación de Indias*, 8:5:3.

to insure an increase of the quintos through the encouragement of mining operations by liberal protection. In the *Ordenanzas de Minería* which represented Spain's mining legislation in America after two hundred and fifty years, we witness the most paternalistic legislation to be found in any code. The miners were favored and protected in all ways except in matters relative to the liberty and good treatment of the Indians. The Mining Tribunal had the very peculiar duty of admonishing extravagant, wasteful, or gambling miners and, in the event that the warning was not heeded, it could appoint guardians for the miners and limit their expenditures. The miners were protected against usury, profiteering, and the confiscation of slaves and necessary tools for debt. The method of punishment for lesser crimes must not interfere with the operation of the mines. *Pleitos* (lawsuits) of the miners were ordered despatched "*con brevedad*".<sup>40</sup> The old Spanish saying, "Yonder stone wall will rot ere thy lawsuit ends", did not hold with respect to miners' suits.

Having noted the salient features of local civil government in the Spanish colonies; allodial tenure and the ordinary procedure for the establishment of settlements; and the character of mining legislation and mineral grants, we now turn to a critical examination of the mining settlement. With the expansion of New Spain after the fall of Mexico City the great mining era was inaugurated.<sup>41</sup> First the lands near Mexico and to the south were prospected and settled. The richest mines, however, were farther to the north and west, and were not discovered until the middle of the sixteenth century and later. They were Zacatecas, Guanajuato, Fresnillo, Sombrerete, San Martín, Santa Bárbara, and San Luís Potosí. The great mines of Catorce and Bolaños remained undiscovered until the eighteenth century. Perhaps a clearer under-

<sup>40</sup> *Ordenanzas reales de la minería de Nueva España y de su real tribunal general* (Madrid, 1783), pp. 203-212.

<sup>41</sup> "Albornoz, Carta, in *Col. Doc. Inéd.*, XIII. 72, speaks in December, 1525, of mining operations in Michoacán" (Bancroft, *Mexico*, III. 579, n. 23).

standing of the mining-camp can be obtained from a survey of typical reales de minas of different regions of Mexico in the sixteenth, seventeenth, and eighteenth centuries. Examples need not be sought after 1783, for with the establishment of the *Real Tribunal de Minería* a radical change was made in the organization of the camps. These changes can be set forth satisfactorily from a study of the *Reales Ordenanzas*.

The first of the great mining settlements of New Spain was the real de minas of Zacatecas. North of Nochistlán and Juchipila in Jalisco (Nueva Galicia), roamed the savage Cascanes and Zacatecos Indians, who had caused considerable damage during the Mixton War. Several attempts to subdue these Indians were attended by only partial success, for they would flee into the mountains on the approach of the Spaniards. One of these expeditions into the country of the Zacatecos was led by Captain Juan de Tolosa. On the eve of the Nativity of the Blessed Virgin, September 8, 1546, Tolosa pitched camp at the base of the famous Sierra de Bufo, now within the limits of the city of Zacatecas. Because of Tolosa's generous treatment, the Zacatecos directed him to some very rich silver deposits. In this manner were discovered the mines of Zacatecas, destined to become among the richest in the world.<sup>42</sup>

Tolosa took samples of the rich silver ore to Nochistlán, where he filed his claims with the *teniente de alcalde mayor* of Nueva Galicia. Then he entered into a formal agreement with Cristóbal de Oñate, Diego de Ibarra, and Baltasar de Bañuelos to exploit the mines, and permission was secured to found a villa at that place. Tolosa, with a few Spaniards and numerous Indians, returned to Zacatecas and began to work the

<sup>42</sup> Archivo General de Indias, estante 1, cajon 3, legajo 27/18, "Información de Juan Cortés Tolosa de Montezuma". (Hereafter references of this nature will be cited thus: A. G. I., 1-3-27/18. For a complete discussion of the discovery and development of the mines of Zacatecas, see J. Lloyd Mechem, *Francisco de Ibarra and Nueva Vizcaya* (Durham, N. C., 1927), pp. 39-50.

mines. Owing to the unfavorable climate, it being mid-winter, and because of the constant danger of attack by the wild Indians, the mines were not worked extensively, nor was a pueblo founded until over a year later. During this period Tolosa exercised the authority of an *alcalde* over the mines, and was under the orders of Diego de Guevara, the *alcalde mayor* of Nueva Galicia.

On January 29, 1548, the four "impresarios" were in Zacatecas for the first time. Then they founded the Villa de Nuestra Señora de las Zacatecas. The bonanzas of Albarreda, San Bernabé, and Pánuco, all discovered in 1548, comprised with the villa the original real de minas of Zacatecas. With passing years, when mines were discovered, the limits of the real de minas were greatly extended. The *aldea*, or village, was first founded north of its present site in the Cañada de Bracho. A short distance to the east were located the huts of the "*Indios patricios*", the Indian laborers who were brought there to work in the mines.<sup>43</sup> Neither the original site of the villa, nor the one to which it was moved at a later date, were the most suitable for a great city. The rugged nature of the terrain, the ravines and hills, and the lack of running water certainly outweighed the one advantage of the location, namely, that the settlement was near the mines. It is to be noted that the elaborate royal provisions regulating the choice of the most suitable sites for towns, did not hold with respect to the reales. They had to be founded, naturally, near the mines, and therefore they were located in mountains, and in deserts, in locations specifically condemned by the Ordinance of 1573. Furthermore the legal founding of the mining town might be said to be a reverse process, for the general procedure was to start settlements in a haphazard manner near the mines, and later, when the importance and size of the settlement justified, to appeal to the crown for confirmation. Hundreds of towns in New Spain, some of them the most

<sup>43</sup> Francisco Frejes, *Historia breve de la conquista de los estados independientes del Imperio Mexicano* (Guadalajara, 1878), p. 193.

important, like Zacatecas, Guanajuato, and San Luís Potosí, were officially founded after considerable settlements had arisen, and the opportunity of selecting a site had passed. This practice rendered the carefully devised and most paternalistic plan of the Spanish crown for making settlements practically inoperative.

According to the *Laws of the Indies* (4:7:2), Zacatecas as a villa was entitled to an *alcalde ordinario*, four *regidores*, an *alguacil*, an *escribano de consejo*, an *escribano público*, and a *mayordomo*. But so great was the rush of miners and settlers to the new bonanza that it was constituted an *alcaldía mayor* under the new Audiencia of Nueva Galicia. The first *alcalde mayor* of Zacatecas was Juan de Tolosa. He was also commissioned lieutenant-general to enable him to assume the military headship of that district. In 1553 Tolosa was succeeded as *alcalde mayor* by Gaspar de Tápia.<sup>44</sup>

According to Frejes, the Audiencia of Nueva Galicia established in Zacatecas, in 1553, a "*diputación de minería*". The first delegates or *diputados* were Gil Hernández de Proaño, Baltasar de Bañuelos, and Pedro Megarejo. They were assisted by a *notario público*. The *diputación* was given supervision of all mining affairs and, in these matters, was independent of other officials appointed by the audiencia.<sup>45</sup> The registers in which were entered the mining claims were kept by the *diputación*. This body was nothing more or less than a *cabildo* made up of *regidores* who were also to act as miners' deputies. The same procedure is to be noted in *ranchería* government.

In the fishing and pearl fishery country little communities of a temporary character (*rancherías*) sprang up, especially in the Cumaná region, and although some sort of local government was needed, the character of the population and surroundings made the dignified *cabildo* of the ordinary Spanish *pueblo* out of place. It was provided,

<sup>44</sup> Elias Amador, *Bosquejo histórico de Zacatecas* (Zacatecas, 1892), p. 212; Francisco Frejes, *Memoria de la Conquista de Zacatecas* (Zacatecas, 1834), p. 8.

<sup>45</sup> Frejes, *Historia breve*, p. 194.

therefore, that the governor, together with the boat owners, should elect an *alcalde ordinario* and four *regidores* or *diputados* (deputies) for a term of one year or till their successors should be duly elected.<sup>46</sup>

In the *diputación de minería* of Zacatecas we have an entirely different organization from that created in 1783 for the later body was entirely distinct in composition and in functions from the secular *cabildo*. The writer has found no record of other *diputaciones* prior to 1783, although it is probable that these existed in some of the most important *reales*. It is reasonably certain, however, that the mining branch was not put under a separate and independent authority in the *reales* until the *Tribunal General de la Minería de Nueva España* was established.

Just as the delegation of authority over mining matters to the *diputación de minería* of Zacatecas meant a curtailment of the powers of the *alcalde mayor*, so also the creation of the *caja real* in the *real de minas* meant a further curtailment of the authority of that official. With the appointment of the three treasury officials in charge of the royal strong-box, or *caja real*, the administration of the royal revenues in the district was taken out of the hands of the *alcalde mayor*. Henceforth the collection of the *quintos*, the *alcabala*, the Indian tribute, and other kinds of royal income was entrusted to the treasury officials. The *alcalde mayor* was ordered to assist them in every way, but under pain of severe penalties was not to obstruct them in the performance of their duties. From the *caja real* of Zacatecas the royal returns were taken direct to Mexico City.

The villa of Zacatecas made rapid progress. So great became the fame of the mines that there was a veritable "rush" to this region which almost depopulated the older sections in the south. Fine public buildings,<sup>47</sup> magnificent churches, and

<sup>46</sup> Jones, *Local Government in the Spanish Colonies*, p. 84.

<sup>47</sup> Some time before 1563 the *casa de cabildo* was burned with valuable documents dating back to the first year of the villa. There was considerable delay in building a new *casa de cabildo*, for it is known that as late as 1575 the *ayunta-*

costly private residences were built where but a few years before there was a semi-desert populated by a few roving tribes of wild Indians. In 1562 there were thirty-five silver reduction works in operation in the real of Zacatecas. In these "mills" the ore was ground by *arastres*, and from the powdered ore the silver was collected by the patio-amalgamation process.<sup>48</sup> Considering the fact that the silver amalgamation process was not introduced into New Spain until 1556, there is evidence here that its adoption was immediate and general.<sup>49</sup> One of the greatest mine owners in Zacatecas, at this time was General Agustín de Zavala, whose mines produced 4,000,000 pesos, and who paid in quintos over 800,000 pesos. But so negligent was he in the management of his fortune that he was buried by charity.<sup>50</sup> Each of the four "impresarios" of Zacatecas, who at one time were said to be the richest men in America, in later life made appeals to the crown to assist them in their old age. It was unfortunate that the guardianship afforded by the miners' tribunal created in 1783 was not available at an earlier date.

The *alcaldía mayor* of Zacatecas, as founded in 1548, embraced more than the real de minas. Almost all of the present state of Zacatecas and southern Durango belonged to it. Originally the limits on the north were undefined, and thus, as the northern frontier was extended largely through the efforts of Francisco de Ibarra, who began his exploring activities in 1554, the reales of San Martín, Sombrerete, Chalchihuites, Aviño, Santiago, and Ranchos were taken possession of by the *alcalde mayor* of Zacatecas. Thus we see that several reales de minas were incorporated into the *alcaldía mayor*, and were administered by *alcaldes ordinarios* appointed by *miento*, which had been meeting in the sacristy of the church, in that year began to meet in the house of the *alcalde mayor*. (Amador, *Zacatecas*, p. 221).

<sup>48</sup> For a description of the *arastre*, see Henry George Ward, *Mexico in 1827* (London, 1828), II. 434-439.

<sup>49</sup> Amador, *Zacatecas*, pp. 215-217.

<sup>50</sup> Joseph de Rivera Bernárdez, *Descripción breve de la muy noble y leal ciudad de Zacatecas* (Zacatecas, 1883), p. 34.

the alcalde mayor of Zacatecas in the name of the king and of the audiencia of Nueva Galicia. The increasing importance of the mines to the north of Zacatecas as well as the unwieldy size of the alcaldía mayor necessitated the creation of the alcaldía mayor of San Martín, with jurisdiction over the mines of the northern frontier. The man selected by the audiencia for the new position was Francisco de Sosa.<sup>51</sup>

A significant administrative change is to be noted in 1580 when the alcaldía mayor of Zacatecas was transformed into a corregimiento. The corregidor, the new head of the district, was given civil administration. Military authority was exercised by tenientes de capitán-general acting under the viceroy's orders. It was generally the rule, although there were notable exceptions, that corregidores were substituted for alcaldes mayores when districts were regarded as being pacified. The corregidor was primarily a civil administrator, whereas the alcalde mayor exercised both civil and military authority. In 1585, Zacatecas was elevated to the rank of a ciudad, and was therefore entitled to eight regidores.<sup>52</sup> Three years later the city was granted the additional dignity of a coat-of-arms and the title of "muy noble y leal".<sup>53</sup>

In 1608, Zacatecas and the mines for ten miles around had a population of 1,500 Spaniards and 3,000 Indians, mestizos, and Negroes. There were no encomiendas, owing to the fact that the soil was so sterile. In the city, which was laid out in the ordinary fashion, were about four hundred houses, some of adobe and some of brick. The corregimiento of Zacatecas which extended for five leagues about the ciudad, was under the jurisdiction of a corregidor appointed by the king in his Council of the Indies for a term of six years. In all administrative matters, however, he was under the Audiencia of

<sup>51</sup> A. G. I., 67-1-18, Diego de Colio al Consejo, 15 de febrero de 1570.

<sup>52</sup> *Recopilación de Indias*, 4:8:6; Bancroft, *Mexico*, II. 761.

<sup>53</sup> Bernárdez, *Descripción breve*, p. 21; A. G. I., 66-6-19, Escudo de armas de la ciudad de Zacatecas, 1588. This legajo contains an original copy, in colors, of the coat-of-arms granted the city.

Guadalajara. Besides the corregidor who presided over the ayuntamiento, there were two *alcaldes ordinarios*, elected annually, an *alguacil mayor*, a *cabildo* of eight *regidores*, and three *escribanos* (two *públicos* and one *de la real hacienda*). These latter offices were purchasable and carried no salaries "*más de los aprovechamientos*". The corregidor's salary was one thousand gold pesos taken from the *caja real*.<sup>54</sup> Zacatecas was the seat of the most important *caja real* of New Spain. Entrusted with the administration of all the royal revenues were a manager, treasurer, accountant, *alguacil*, and clerk. The office of treasury official was salable and renunci-able at from six to eight thousand pesos.<sup>55</sup>

The remarkable development of Zacatecas did not abate, for in 1732 it had a population of 40,000 Spaniards, mestizos, and Indians. In the *real de minas* were 108 reduction works, which paid in royal fifths annually 300,000 pesos. When the recommendations of José de Gálvez were finally adopted in 1786, and the intendancy system was established in New Spain, the *corregimiento* of Zacatecas came to an end. The mines continued as an intendancy until 1822.<sup>56</sup>

A real which rivaled Zacatecas in its mineral output was San Luís Potosí. In 1590 the site of San Luís was described as "*todo despoblado, muy yermo, sin casa ni edificio alguno*".<sup>57</sup> About five leagues to the southwest were the mission and pueblo of San Miguel Mexquitic. In charge of the mission was Fray Francisco Franco; and in the pueblo resided Captain Miguel Caldera, the *justicia mayor*, or military officer entrusted with the protection of the frontiers against the Indians. Stretching across the frontier were six or more "forts", each in charge of a corporal and about four soldiers.

<sup>54</sup> "Relación de N. S. de los Zacatecas, sacada de la información que, por mandado del consejo en ella se hizo el año de 1608", in *Col. Doc. Inéd.*, IX. 184-185.

<sup>55</sup> *Ibid.*, p. 188.

<sup>56</sup> Amador, *Zacatecas*, p. 2.

<sup>57</sup> Francisco Peña, *Estudio histórico sobre San Luís Potosí* (San Luís Potosí, 1894), p. 4.

Because of its central location where he could observe the hostile Indians, Caldera made his headquarters in the pueblo of Mexquitic.<sup>58</sup>

On November 2, 1591, there came to Mexquitic about one hundred families of Tlascalán Indians who had been ordered to the frontier to be settled among the wild Indians.<sup>59</sup> Some of the Tlascaláns were settled in Mexquitic and some at San Luís on Chichimeco *rancherías* near the present city of San Luís Potosí. The others, about thirty families, were conducted by Captain Francisco de Urdiñola to San Estevan de Saltillo. Fray Franco heard from the Indians of San Luís that there were rich mines in that region. The missionary told Caldera who immediately (March 4, 1592) sent his son-in-law, Juan de La Torre, and some soldiers to prospect in the hills. The mines were discovered, and after staking claims for Caldera and himself, La Torre returned to Mexquitic where the claims were registered with Caldera, he being the only official at that place to perform this office. The first real was registered for Caldera himself, and thus he became generally regarded as the discoverer of the mines of San Luís Potosí. This name was given to the real because the Indian settlement nearby was named San Luís, and because it was expected that the new mines would rival the famous Cerro de Potosí in Charcas.<sup>60</sup>

On March 7, Caldera went in person to the Cerro de San Pedro where the mines had been discovered; he was accompanied by a numerous following from Mexquitic, all bent on staking claims. These were all registered on the ground by Caldera himself. The fame of the mines spread rapidly, and so many came from all the other cities and reales de minas that in a few days there was a gathering of many people, and they founded the

<sup>58</sup> *Loc. cit.*

<sup>59</sup> The Spanish government adopted the policy of settling friendly Indians who had acquired a veneer of civilization and Christianity among the savage tribes. It was expected that they would keep the savages in subjection, and would act as intermediaries in transmitting European culture.

<sup>60</sup> Peña, *Estudio histórico*, p. 5.

real four leagues from the mines because there was no water nearer the Cerro.<sup>61</sup>

The discovery of the mines made it necessary to found a new pueblo, for Mexquitic was too far away, and its site was too mountainous. Midway between that pueblo and the Cerro de San Pedro was an excellent site for a settlement—it was level, there was an abundance of wood, and there was good spring water. This place selected as the site of the new settlement is today Barrio Nuevo of San Luís.<sup>62</sup> The site, however, was then occupied by Chichimecos and the recently introduced Tlascalan Indians. Caldera moved the Tlascalans to Tlascalilla, a quarter-league north of San Luís, and the Chichimecos were moved to Santiago, a short distance to the west. The way was prepared by Caldera to establish the villa, but he was not allowed to perform this important task.<sup>63</sup>

Miguel Caldera was only the military commandant of the frontier district of Mexquitic, which had been very sparsely settled by Spaniards, and most of these were soldiers. Almost overnight the population became overwhelmingly civilian in character. The authorities in Mexico felt that civil authorities should be appointed to govern the new real de minas, to found a villa, to locate streets and plazas, to allot lands to the new citizens, and to keep the mining registers. The time had arrived to bring to an end the military administration of Captain Caldera. Accordingly, on August 27, 1592, Viceroy Luis de Velasco commissioned Juan de Oñate as *alcalde mayor* of the "Provincia de Mesquitique Potosí". Here we have the commission of an *alcalde mayor de un real de minas*; it is worthy of analysis: (1) Since the mines of San Luís Potosí proved to be very rich, and attracted many Spaniards who registered mines and started to work them; and (2) since it was the viceroy's desire to avoid any interference with the development of the mines, especially with reference to the

<sup>61</sup> Fray Diego Basalencque, quoted by Peña, *Estudio histórico*, p. 8.

<sup>62</sup> *Ibid.*, p. 5.

<sup>63</sup> A. G. I., 87-5-1, "La guerra de los Chichimecos".

treatment of the Indians who were so necessary to the working of the mines; (3) he appointed Juan de Oñate, a resident of Zacatecas, as alcalde mayor of Potosí; (4) Oñate was cautioned to exercise special care in seeing that the Guachichiles and Tlascaltecan Indians who resided there were treated justly; and (5), most pertinent to our subject, he was ordered to acquaint himself thoroughly with all the mining operations and miners' disputes within his district, to hear the cases, render decisions, and enforce the observance of the mining ordinances.<sup>64</sup>

Juan de Oñate went to San Luís Potosí in October, 1592, and immediately laid out a pueblo on the site that had been chosen by Caldera. He distributed *solares* and organized a municipal government. Unlike most mining towns, notably Zacatecas, the site of San Luís was well chosen. The general practice, as has been noted above, was to make a settlement on a site chosen merely because of proximity to the mines. It is said that from the beginning the principal civil and religious structures of San Luís were built in a solid, artistic manner. For this Juan de Oñate deserves considerable credit. Unlike Zacatecas, the environs of San Luís were favorable for agricultural and pastoral purposes. Therefore, extensive grants were made to numerous persons "in remuneration of their services in the Valle de San Luis as soldiers and as miners".<sup>65</sup>

Within a year's time Juan de Oñate relinquished his office of alcalde mayor of San Luís Potosí, to undertake the conquest of New Mexico. He was succeeded by Juan López del Riego on October 13, 1593. The great mining rushes to Zacatecas and Guanajuato were duplicated at San Luís. The real de minas became a new center of population, while the older mining districts were stripped of their inhabitants. The height of production of the mines was reached in 1612. By 1625, they had paid the king in fifths more than sixteen million pesos. With the exhaustion of the mines of Cerro de San

<sup>64</sup> Peña, *Estudio histórico*, pp. 6-7.

<sup>65</sup> *Ibid.*, p. 8.

Pedro, and the discovery of new mines at Piños, Charcas, and elsewhere, San Luís suffered an eclipse.<sup>66</sup>

In response to a royal order issued through Viceroy Enríquez, Pedro de Ledesma, alcalde mayor of the mines of Tasco made a report on his jurisdiction in 1581.<sup>67</sup> An examination of this report will not only help to illustrate the real de minas; but here we have the interesting example of the same man occupying the offices of alcalde mayor and corregidor of reales de minas.

The mines of Tasco, twenty-two leagues south of Mexico City, were discovered about 1534. Immediately following the discovery, many people settled near the mines, but, when the mines started to play out, population decreased until, in 1581, the Spanish population numbered only about forty-seven miners, and seventy other residents. At that time the alcaldía mayor of the mines of Tasco was made up of three reales de minas, and each real de minas was a corregimiento. The alcalde mayor, Pedro de Ledesma, was therefore a three times corregidor. The three reales or corregimientos were Tasco, Tenango, and Ueiztaca. The first two had ten Indian pueblos, and the latter had fourteen.<sup>68</sup>

The real of Tetelacingo, one of the pueblos or *cabeceras* belonging to the real de minas of Tasco, was the principal settlement. There the alcalde mayor resided. The other reales were administered by alcaldes. There was no order in the settlements, Spanish or Indian, because of the nature of the terrain. Throughout Tasco there was no level land; the result was that the houses were scattered according to the configuration of the ground. This, contrary to San Luís Potosí, was rather typical of the mining settlements. No satisfactory explanation for the peculiar administrative organization of the alcaldía mayor of Tasco has been found. It is

<sup>66</sup> *Ibid.*, pp. 9-10.

<sup>67</sup> "Relación de las minas de Tasco (January 1, 1581-March 6, 1581)", in *Papeles de Nueva España*, Segunda Serie, Geografía y Estadística, VI. 263-282.

<sup>68</sup> *Ibid.*, pp. 266-267; p. 263, note 1.

presumed that, when the mines were populous, there was ample need for three corregidores; but when the district became depopulated the three offices were concentrated in the hands of a single individual, who, having military as well as civil jurisdiction, was named an *alcalde mayor*. But why the *corregimientos* were not abolished altogether remains unexplained.

Having thus examined some of the *reales de minas* of New Spain in the sixteenth century, we shall now turn to a noteworthy mining community of the eighteenth century. The two greatest mining discoveries of the eighteenth century were the Real de Catorce and the Real de Bolaños. The latter real is the better subject for study, since it is so fully described in the instructions of Viceroy Revillagigedo.<sup>69</sup>

The discovery of the mines of Bolaños in 1749 was regarded by Viceroy Revillagigedo as the greatest event of his reign, for he fully expected that they would surpass in wealth the famous Potosí of Charcas. Although the mines of Bolaños were located within the limits of Nayarit, which was a military province under the jurisdiction of a *capitán-protector* who was under the direct orders of the viceroy, the *alcalde mayor* of the villa of Jérez, forty leagues away and under the jurisdiction of the Audiencia of Guadalajara, took it upon himself to assert his authority over the new mines by appointing a *teniente* for them. A great number of people flocked to the mines and in a short time a lugar was founded. The site chosen for the settlement was a very suitable one; the land was fertile and adaptable to the growing of crops and for grazing; it was adequately supplied with running water, and the surrounding mountains were crowned with an abundant forest.<sup>70</sup>

<sup>69</sup> "Instrucciones del Conde de Revillagigedo sobre el real de minas de Bolaños (28 de noviembre de 1754)", and "Informe del Conde de Revillagigedo al Marqués de las Amarillas sobre el real de minas de Bolaños (2 de octubre de 1755)", in *Instrucciones que los vireyes de Nueva España dejaron á sus sucesores* (Mexico, 1867), pp. 44-58.

<sup>70</sup> *Instrucciones que los vireyes . . . dejaron*, p. 55.

Until 1751, the fiscal and administrative matters of the real de minas were cared for by the *teniente de alcalde mayor*. Since there was no *caja real* in Bolaños, the quintos had to be taken to the *cajas reales* in Guadalajara and Zacatecas. But because of the great distances separating these places from Bolaños, and the difficulty of keeping a record of the royal returns, the viceroy

decided, after much deliberation, to establish a *caja real* in order that in it could be collected all the taxes, and the silver could be stamped, and the quicksilver delivered to the mines.<sup>71</sup>

Following the appointment of royal treasury officials for the mines of Bolaños, in the single year of 1752 the royal revenues yielded by the mines totaled 1,403,516 pesos.

Although his extension of authority over the mines of Bolaños was illegal, the *alcalde mayor* of Jérez was allowed to retain control. His administration, however, soon became thoroughly unsatisfactory to the viceroy. Since the latter was anxious that Bolaños should rival Potosí, he was exceedingly irritated when he learned of the misgovernment of the real; that no precautions had been taken against the floods, that the roads were in a bad condition, that there was no jail or public granary (*alhondiga*), and, finally, to cap the climax, that there was no church in the settlement. There was only a small chapel, which formerly belonged to an hacienda,

and it was necessary on fast days to construct a portable altar, and hold mass in the open, which is canonically prohibited, and attended by scandal.<sup>72</sup>

For these public works the residents had contributed voluntarily, but the funds had been expended without tangible results. The administration of justice was lax, and the real de minas became a notorious rendezvous for criminals.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*, pp. 44-45.

The "best citizens" of Bolaños petitioned the viceroy to assume control of the real de minas, and since he was convinced that the prosperity of the mines was being jeopardized, he decided to take them from the control of the Audiencia of Guadalajara. On November 28, 1754, he appointed Diego Gorospe y Padilla as corregidor of the real de minas of Bolaños at a salary of two thousand pesos.<sup>73</sup> His jurisdiction was to include all mines and settlements for five leagues about Bolaños. He was to be free from all control of the Audiencia of Guadalajara in fiscal, military, and political matters. The audiencia was left only the right of superior appeal in all civil and criminal cases.

The viceregal instructions given Gorospe y Padilla as corregidor del real y minas of Bolaños are worthy of particular examination. Following introductory remarks in which he pointed out why he had seen fit to appoint a corregidor for the mines, the viceroy advised his corregidor in the performance of his office. Padilla was to study the *ordenanzas de la ciudad de Mexico*, the old and new *autos acordados* of the Audiencia of Mexico, the *Recopilación de Leyes de las Indias*, and the general proclamations (*bandos*) of New Spain concerning the government of pueblos, "in order that he might learn the laws necessary for the establishment of government in the mines".<sup>74</sup> He was to examine all lawsuits pending, hear the criminal cases, and pass sentence promptly to win public confidence. Those cases that were in the jurisdiction of the Audiencia of Guadalajara should be sent to that tribunal immediately. As a means of getting rid of vagabonds he was to make a complete census of the real de minas, especially with reference to the occupation of the residents. Those who could show no honorable occupation were to be expelled from the mines.

<sup>73</sup> One thousand pesos were to be taken from the revenues of the *propios*, and the other thousand from the fines imposed by the *cámara*.

<sup>74</sup> *Instrucciones que los vireyes . . . dejaron*, p. 49.

The corregidor was particularly charged to protect the Indians from harsh treatment in the mines, and to protect their lands from illegal encroachment. When the time came for collecting the tribute from the Indians, he was cautioned to be tactful and avoid an uprising. The administration of the royal revenues, however, was left to the officials of the *caja real*. They were to be free to exercise their offices, and the corregidor was to assist them, but he was not to interfere. However, if he noted anything suspicious he was to notify the viceroy "quietly". He was ordered to make a complete report on the fiscal condition and arrangements of the mines so that the viceroy might order a reorganization. With the Audiencia of Guadalajara he was to keep in friendly and constant communication, and he was to execute the orders of that tribunal in all that was not specifically reserved to the viceroy.<sup>75</sup>

With respect to needed material improvements in the real de minas the viceroy was specific in his instructions. The new corregidor was to investigate the feasibility, and undertake, at the earliest opportunity, the construction, of a *casa de justicia* in which he was to reside; also a jail, a granary, and a slaughterhouse. In the meantime, while the granary was being built, the corregidor was to provide a place for the sale of maize, where it could be sold direct to the poor, thus avoiding retailing, and insuring cheaper food for the poor. He was also charged to regulate the bakeries as to weight and price of the wheat loaf.<sup>76</sup>

The corregidor was to check up accounts carefully, note who had contributed to the building funds, and collect from those who had failed to pay. He was to assume control of the official weights and measures, and devote these fees to the building fund. He was also to take steps to protect the settlement from floods. Roads to nearby pueblos were to be constructed, so that supplies could be easily transported to the

<sup>75</sup> *Ibid.*, p. 52.

<sup>76</sup> *Ibid.*, p. 51.

mines. He was also ordered to investigate the feasibility of opening a direct and shorter road from Bolaños to Mexico City so that the transport of silver to the *casa de moneda* might be facilitated. With respect to a new church, he was told that this should be left to the ecclesiastical authorities. He was to confer with the *cura*, learn what funds and charities were available, and then if these were insufficient, he was to notify the bishop of Guadalajara and the viceroy.<sup>77</sup>

To assist him in maintaining order, the corregidor was given the power of appointing alguaciles and a jailor. He was cautioned to observe that the alguaciles did not collect more taxes than established by custom, and as entered in the customs-book. The particular task of maintaining order on the frontiers was that of the capitán-protector. He and his troops were constantly on guard against the wild Indians. In his hands were entrusted powers that at an earlier date had been assumed by the alcalde mayor.

The viceroy concluded his instructions with the observation that some of the principal residents of the real de minas were anxious that the place should be ennobled with the title of ciudad. Since this privilege, however, was reserved to the crown, the viceroy advised that *informaciones* be drawn up and a delegate appointed to present them to the king. He said:

In order to facilitate this it is necessary that they promise to buy the offices of regidores and others in sufficient number to form a cabildo. You will note who offer themselves for these offices and notify me, for of great utility to the real hacienda should be a people so rich, and who naturally desire to ornament themselves so that they can live with distinction.<sup>78</sup>

Separate instructions were given the corregidor regarding the organization of militia companies.<sup>79</sup> The regular

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*, pp. 51-52.

<sup>79</sup> "Instrucción militar que debiera observar el corregidor de la villa del Real de Bolaños (28 de noviembre de 1754)", in *Instrucciones que los virreyes . . . dejaron*, pp. 53-54.

troops under the command of the capitán-protector were stationed on the frontiers of Nayarit to keep the Indians in subjection. But to meet any extraordinary situation at the mines it was thought necessary to organize the citizens into companies of militia. The corregidor was ordered to organize companies of fifty men each, and, if there were enough men, to organize four companies of infantry and two troops of cavalry. The infantrymen were required to furnish their own guns and twenty rounds of ammunition. The cavalrymen had to supply their own horses, sabers, guns, shields, and fifteen rounds of ammunition. Every third month a review was to be held at a convenient place, to insure that all were well prepared. At the same time the soldiers were put through a short course of instruction. The corregidor was given the title of teniente de capitán-general to enable him to assume the command of the militia.

From the foregoing descriptions of reales de minas what are our general conclusions regarding that institution prior to 1783? A most significant feature was that, to the governing authority of the reales, whether it be an alcalde mayor, corregidor, alcalde ordinario, or cabildo, was delegated jurisdiction over both mining and political matters. In other words, there was no separation of functions. Mining claims were filed with the same authorities who apportioned the agricultural and grazing lands; and miners' disputes were decided by the same judges and tribunals that decided criminal and civil cases. It has been noted that at an early date there was a diputación de minería in Zacatecas; and there may have been more in other mining towns, but the diputados were in reality the regidores of the cabildo. The mining branch was strictly supervised by the viceroy and his officials, and for nearly three centuries the Spanish crown did not see fit to create an independent and separate governing body, either in the seat of the central government or in the local districts.

By all odds the most important local official was the alcalde mayor. In his hands were collected originally the complete

political, fiscal, and military control of the real de minas. When the mines were discovered it was he who assumed control, or more often appointed an *alcalde ordinario* as his *teniente* to care for his interests in the nascent community. He and his *teniente* registered claims, collected the royal imposts, apportioned lands for non-mining purposes (this conditioned by royal provisions), and decided civil and criminal cases. The *alcalde mayor* was generally the military head of his district, and often had captains and soldiers serving under his orders. If the real de minas was in a position exposed to Indian attack it generally had a fort. In the early days of the conquest, and later along the northern frontiers, there was scarcely a real without a fort of some sort with the usual complement of a corporal and four men. In the *cabecera*, or principal settlement of the real de minas, resided the *teniente de capitán-general*, usually the *alcalde mayor*, who had command over several "forts" strung along the frontiers. When the district became pacified the troops were withdrawn, the title of *teniente de capitán-general* was taken from the *alcalde mayor*, but more often he was replaced by a *corregidor*.

When the mining community became sufficiently important and populous, it was given permission by the king to organize a *cabildo* and become a formal *lugar* or *villa*. Naturally then the authority of the *alcalde mayor* was curtailed greatly, for duties performed by himself or his *teniente* were now assumed by the *cabildo*. In a prosperous mining community the official founding of the *villa* was usually accompanied by the establishment of the *caja real* under the control of the three royal treasury officials. With their advent the authority of the *alcalde mayor* was decreased still more. The *oficiales reales* now collected all royal revenues, and permanently thereafter the mining returns were taken out of the hands of the local civil authorities. Such was the government of the mining communities prior to the revolutionary change of 1783.

The mining affairs of Mexico were separated from the direct control of the civil authorities when the powerful cor-

poration, the *Cuerpo de la Minería* was created. Because of the decadent state of the mines of New Spain, for a long time such a step was advocated, not only by the miners but also by the viceroys.<sup>80</sup> It was contended that the declining importance of the mines was due to insufficient financial encouragement, and the only remedy lay in an organization for mutual aid such as the merchants enjoyed in the *Consulado* of Mexico. In 1771, the viceroy recommended to the king that new ordinances be drawn up "to render the government of the mines more uniform and complete".<sup>81</sup> In 1773 the king ordered that the new ordinances as proposed should be framed, and that the miners should be organized into a united body modeled after the *consulados*, "in order that by this means the members might enjoy permanence, encouragement, and support".<sup>82</sup> In answer to a petition of the miners the king recommended on July 1, 1776, that, in addition to a body similar to the *consulados*, a bank of supplies (*Banco de Avios*) should be established, a college of metallurgy should be founded, and that a new code of mining ordinances should be framed. On May 4, 1777, the *Cuerpo de la Minería de Nueva España* was formally installed in Mexico City. The Tribunal General of the Miners of New Spain, which was simultaneously created, immediately set to work to draw up the new ordinance. It was completed in 1778, and received royal confirmation in 1783. This ordinance which we shall now examine, in so far as it altered the government of the real de minas, occupies a most exalted position among the world's greatest mining codes.

The Tribunal General, the supreme authority under the viceroy for the control of the mines, was composed of an administrator-general, or president, a director-general, and three deputies-general. They were elected for terms of nine years by deputies representing the reales de minas. They

<sup>80</sup> *Instrucciones que los vireyes . . . dejaron*, p. 26.

<sup>81</sup> *Ordenanzas de minería*, p. 1.

<sup>82</sup> *Ibid.*, p. 2.

had to be practical, intelligent miners with at least ten years' experience. Furthermore they had to be of unmixed Spanish blood. In the selection of the deputy-electors, all reales de minas having six mines and four reduction works were given one deputy. More important mining towns were entitled to greater representation: Guanajuato had six deputies; Zacatecas, four; San Luís Potosí and Real del Monte, three; all ciudades, three; villas, two; and places with cajas reales, two. To assist the Tribunal General in an advisory capacity, twelve *consultores* (advisers) were chosen by that body. The *consultores*, who were to hold office for three years, had to be experienced mine-proprietors or mine suppliers (*aviadores*).<sup>88</sup>

In each real de minas there was a deputation (*diputación*) of two deputies. One was elected each year for a term of two years by the qualified miners of the district; that is, those who were mine owners, mine suppliers, or mill owners. To qualify for the office of deputy one must be a mine proprietor of experience, intelligence, good conduct, and trustworthy. At the annual elections two substitute deputies were chosen to supply the place of the regular deputies in case of death, sickness, or enforced absence. The deputies and other employees of the Tribunal General were to receive no pay from the royal treasury, but were to be paid from imposts placed upon the miners.

The deputies were accorded cognizance of first instance in all causes arising out of the discovery, denunciation, and operation of the mines. They were charged not only to encourage and support the mining operations of their districts, but also to look after the welfare of the miners and the due administration of justice. Disputes between miners were to be settled in the shortest and most summary manner. The deputy was to attempt first to arbitrate the difficulty; every effort was to be made to settle the case out of court. But once in the mining-court, the case was to be decided without delay; and

<sup>88</sup> *Ordenanzas de minería*, pp. 6-22.

in causes of appeal . . . they shall pay no regard to any defect in the proceedings, or want of attention to the minute formalities of the law, or any irregularity of diction, but shall, in all causes, decide and judge with a strict regard to the merits of the case.<sup>84</sup>

Nothing was allowed to interfere with the working of the mines, for this meant a curtailment of the royal revenue. The judgments or sentences of the deputies, if not appealed against, were carried into effect in a short and summary manner by the ordinary alguaciles of the real de minas. The deputies were also empowered to command the civil justices to afford them any aid or assistance which they might require. It is to be noted that, although there was a separation of the civil and mining jurisdictions, the edicts of both branches were executed by the same officers.

In certain criminal causes of minor importance relating in a way to mines and miners, the deputies were given cognizance. The stealing of precious metalliferous ores, mining implements, and any articles belonging to miners; offenses committed in the mines by one miner against another; insubordination or misconduct of workmen toward their masters; and want of respect toward the miners' courts, were all matters within the jurisdiction of the deputy. But with respect to more serious criminal cases which required by law the infliction of severe penalties or corporal punishment, the miners' courts merely assisted in apprehending the criminals and in turning them over to the civil justices for trial. Public works, roads, and highways, were under the jurisdiction of the civil officials, although the mining branch was privileged to offer advice.<sup>85</sup>

The *Ordenanzas de Minería* are very explicit on a great variety of subjects such as discoveries and registration, working and protecting the mines, mining companies, bank of supplies, and the school of mines. A consideration of these

<sup>84</sup> *Ibid.*, p. 36.

<sup>85</sup> *Ibid.*, pp. 51-57.

topics, however important to a study of mining law, is not necessary to a discussion of the real de minas. The essential thing is that after 1783 all matters patently belonging to the mining branch were administered separately by an independent tribunal and its territorial deputations. The mining tribunal was given an authority which finally became exclusive, and henceforth the *alcaldes mayores*, *corregidores*, and *cabildos* were to refrain from interfering in mining affairs. The effect of the change of jurisdiction upon the real de minas as an administrative institution was merely the addition of new officials and courts which functioned under old laws restated in the *Ordenanzas de Minería*.

In exalting the hereditary fitness for self-government of American pioneers, as displayed by their capacity to organize camps under trying conditions, there has been a tendency to set off the Spaniard as a contrasting example.<sup>86</sup> Nothing could be more erroneous or more unjust. Little opportunity was given the Spanish miner to experiment in self-government for the sufficient reason that he was so closely watched by his central government. The mining branch of the colonial government was so efficiently organized that royal control was asserted immediately after a discovery was made, the explanation being that the crown had an interest (*i.e.*, quinto), which the American government did not. Never were the Spanish miners in doubt regarding the requisite steps to be taken after a discovery; this was all carefully laid down in the mining laws. The nearest royal official took control or sent his representative to register mines, allot lands, settle disputes, and collect imposts. Rarely indeed were the miners called upon to organize of their own initiative. It is unfair therefore, to say that the Spaniards did not display the same initiative as did the Anglo-Saxons, for after all, they were deprived of the opportunity. This study of the real de minas is designed to show how and through what agencies the royal

<sup>86</sup> See C. H. Shinn, *Mining Camps* (New York, 1885).

control was exercised over the mines, the miners, and the mining communities. Since mining constituted the occupation par excellence in New Spain, and since it was responsible for the creation of innumerable settlements and municipalities, some of the latter being of the greatest importance, the mining-camp is to be regarded as an indispensable unit in the administrative machinery of New Spain.

J. LLOYD MECHAM.

University of Texas.

## THE UNITED STATES AND THE DOMINICAN REPUBLIC

The Dominican Republic occupies the eastern two-thirds of the island of Haiti, although it has a population of only some 900,000 inhabitants as against about two millions and a half in the negro republic of Haiti to the west. It was here that the first European settlements in the new world were founded during the course of the voyages of Columbus. The whole island, at first called Hispaniola (Española), at length became known as Santo Domingo (not "San" Domingo), a name that is still used popularly, but incorrectly, for the Dominican Republic. Eventually, that part of the island now known as the Republic of Haiti was seized by French buccaneers, and at the close of the seventeenth century the territory was formally taken over by France. Later, in 1795, France also acquired Spanish Santo Domingo, but did not retain it for long.

One of the primary factors in the history of the eastern part of the island has been that the character of its population is far different from that of the west. The Dominican Republic is a mulatto country, with a Spanish-descended ruling class, and its language and social customs are Spanish. The much more populous Republic of Haiti is black, French-speaking (though it requires some courtesy to call the Haitian "creole" speech French), and ruled over by mulattos who have no love for the whites at the same time that they despise the Negro. So the people in the eastern part of the island have always had to consider the alien black peril to the west. Obsessed by this idea, they did not wish for complete independence at the time of the revolutions against Spain in the early years of the nineteenth century. Instead, they hoped to become a part of Bolívar's Republic of Colombia, but

were disappointed. Hardly had they separated from Spain, when they had to suffer an invasion from Haiti which overwhelmed them. For over twenty years (ending in 1844) they had a rather harrowing experience under Haitian rule, but at length regained their independence, and set themselves up for the first time as the Dominican Republic.

The conservative elements were not desirous of independence, however, as they were afraid of their terrible enemy to the west and distrustful of their own ability to maintain an orderly government. They wished to associate their country with some stronger power. Spain was at first the nation on which the Dominicans rested their hopes, and in the '60's the republic voluntarily gave up its independence and returned to its status as a Spanish colony. The experiment was not successful, whereupon a fresh separation took place. For a number of years thereafter, this little republic, which had been having unhappy experiences in the attempt to manage its own affairs, made overtures for annexation to the United States. Each project to that end, however, was defeated in the United States senate. Left to its own devices, the republic now drifted into a wretched state of disorder. Early in the twentieth century there was an insistent pressure by European powers for the collection of claims and damages. Washington was faced with the alternative of allowing European intervention, under the leadership of the then aggressive German Empire, or else of taking some steps itself. So hesitatingly, unwillingly, and imperfectly, the intervention began in 1905. The senate was not yet ready to undertake it, but at the earnest solicitation of the Dominican officials themselves President Roosevelt took charge of the custom-houses and began giving attention to the foreign claims.

Owing to the opposition of the senate it was not until 1907 that the so-called *modus vivendi* arrangement of 1905 was formally embodied in a treaty. The general purport of this treaty is important to bear in mind, as the situation has recently been restored to what it became by the arrange-

ment of 1907. Most of the disorders in the republic had been occasioned by battles of rival groups for the custom-houses, whence the principal revenues were obtained. It was believed that with this under control of the United States the reason for most or all the civil wars would disappear. So it was provided that an American, appointed by the president of the United States, should have complete charge of the collection of customs. The Dominican debt was funded into a bond issue falling due in 1958, and disbursement of the revenues by the receiver general of customs was to be made as follows: payment of the costs of collection—a very small percentage, not to exceed 5 per cent of gross collections; payment of the interest and fixed sinking fund requirements on the bonds of 1958—about \$100,000 a month; and the balance to the Dominican government, except that one half of the surplus over \$3,000,000 of customs revenue was to go toward further amortization of the loan. Under the able direction of the American collector, William E. Pulliam of California, revenues proceeded to jump to hitherto unheard of proportions, and for a time it seemed that a real panacea had been found.

It was not long, however, before fresh clouds appeared upon the political horizon. After all, the prize of government was still worth while, if not more so than ever, and certainly it was much better than nothing at all in a country where a political job was considered a necessity of life. So the revolutions broke out afresh, damage to foreign interests threatened, and there were indications of European intent to collect claims unless the United States should take steps to help them. The World War was then in full swing, and it was generally believed, whether true or not, that Germany was looking with covetous eyes at this island. So Washington moved, in defense of the Monroe Doctrine.

In 1916 the United States took full control of the republic, and administered it thereafter for a number of years through the navy department. There was bitter resentment in the

republic, for the "patriots" of all political groups were involved in disaster—though, to be sure, Dominicans continued to be employed in the government offices. It is a question, too, whether some better method of intervention might not have been found. Naturally, peace and other internal benefits ensued, not least of which was the building of the best roads to be seen anywhere in the Hispanic American republics, under the remarkably efficient direction of John H. Caton. In the closing months of President Wilson's administration and at the beginning of that of President Harding, negotiations were opened with a view to a restoration of Dominican sovereignty. There was a halt, but discussions were resumed in 1922 and an agreement was reached, the essential feature of which was a return to the situation existing under the treaty of 1907. It was not until 1924, however, that it was possible to put the new arrangement into effect.

From 1922 to 1924 there was a provisional president, pending final dispositions for the withdrawal of the United States. In March of 1924 a formal election was held. The leading candidate for the presidency was General Horacio Vázquez, a veteran of the earlier civil wars and twice before the provisional head of the Dominican state. An immensely popular man, General Vázquez was overwhelmingly victorious, and on July 12 was installed in the presidency. It remains to discuss the course of affairs since his inauguration.

There are two issues of Dominican bonds outstanding, the already-mentioned issue of 1908, and the issue of 1922, both placed in the United States. One other issue of 1918 was entirely paid off by the close of 1925, and it is probable that the bonds of 1908, though not due until 1958, will be taken up by the close of the present year, 1926. In other words, the amortization of the bonds of the earlier issues out of the percentage taken from the surplus has proceeded at an abnormally rapid rate, because of the unexpectedly great increase in the volume of receipts under the receivership. This service is most capably managed, oddly enough by the

same Mr. Pulliam who had charge when the treaty first went into effect, for after a lapse of years he returned to his old post through an appointment by President Harding. Customs receipts for the present calendar year are expected to be more than \$4,600,000, with internal revenue adding far more than that amount. Service on the debt, for the fixed payments, calls for only \$1,800,000, although some \$800,000 a year in addition has been applied out of surplus in accordance with the treaty of 1907. The country has developed wonderfully in the past twenty years. The same things are being produced as formerly, but more abundantly. Sugar, coffee, cacao, and tobacco have always been the leading crops, but some others of lesser import, corn and beans among them, have lately attained much importance.

How has the revived Dominican government worked? People speak well of General Vázquez personally, but there is considerable dissatisfaction with some of the things that have been done by his government. It is said that eighty per cent of the government employes were dropped in the first few months of the new administration, and their places filled by partisans of the president and his followers. Legislation has tended toward the creation of new posts and new forms of internal taxation with which to pay for the additional jobs or to increase the emolument of men already in office. Soldiers in the vicinity of the capital have been promptly paid, but it is said that payment of those stationed in the less populous outlying districts is sometimes months in arrears. The supposedly hated American invaders are now surprisingly popular among the non-political elements of the population. Some complain because the United States got out so soon. One man in the Santiago district said to the writer:

You won't find many people around here but speak well of the Americans. You built the roads and helped the country in a lot of other ways, and proved you weren't after our territory by getting out.

We are beginning to realize, too, that you spent a lot of money, and it is going to be necessary to economize now, to make both ends meet.

Occasionally there have been rumors of revolution in the north. To one Dominican who predicted that a new revolution would some day come, it was suggested that the United States would most likely aid the government in power, as had been done recently in revolutions taking place in Mexico and Cuba. "All right," he replied,

but I know another way that is even surer than a revolution. All I have to do is hire two men to kill an Englishman! It would do no good to kill an American, but Washington will have to act if an Englishman is killed, to prevent England from doing so herself.

This is indeed a sad commentary, not so much against our state department, often reproached in this connection, but against the American people, which the state department is obliged to reflect. It is possible, however, that there may be a flaw in the Dominican's argument. Fifteen years ago Washington would indeed step quickly in avoidance of foreign pressure that might endanger the Monroe Doctrine. But with Europe no longer able to speak in a loud voice, will Washington do so now? Refusal, to be sure, would make the United States morally responsible before Europe and the Dominican Republic itself for any disorder that might occur. Nevertheless, the writer is inclined to believe there is more smoke than fire in the talk of revolution. On this score a well informed American of Santo Domingo wrote to him as follows:

Personally I am bullish on the permanency of peace, for I believe Dominicans are weaned from the former distressing and baneful pastime which did so much damage to their country and retarded its progress. Of course there are political malcontents just as there are in all of the smaller countries.

In view of the revival of the political job evil, one might be pardoned for thinking that the Dominicans had learned

nothing from their long period of loss of independence, but there is something that may be said on their side of the case. It is true that the fixed sum allocated to the Dominican government under the terms of the treaty of 1907 is not adequate for existing needs. If wealth and revenues have increased enormously in the past twenty years, so also, though to a less extent, have the necessary expenses of government. For example, the republic now has about six hundred miles of excellent roads—a valuable asset, to be sure, but costing heavily for upkeep. On the other hand, these difficulties have been greatly alleviated, if not remedied, by increased government receipts from other sources of taxation. Nevertheless, the government claims that it is unfair to the present administration to pay so much on the foreign debt as to extinguish it an unreasonably long time ahead of maturity, when the surplus funds are needed now.

Negotiations were therefore inaugurated two years ago, for a modification of the treaty of 1907. The main feature of the arrangement was to be a loan for \$25,000,000, half to be applied in refunding the existing funded debt (wholly foreign) and the remainder devoted to capital needs of the republic. The plan provided for a distant maturity date and a sinking-fund allowance in accord therewith; and surplus revenues were to go to the government instead of being applied to the rapid amortization of the bonds. This treaty failed, but has been revived again, although for a smaller loan, namely, \$10,000,000.

There are several interesting consequences of the proposed arrangement. Among other things, it means that the American control over the collection of customs will be indefinitely prolonged—at the suggestion of the Dominican authorities themselves, be it observed! The customs receivership is to cease automatically as soon as the foreign debt shall have been paid. That would have taken place within a comparatively few years under the old treaty. But, if the

wishes of the Dominican authorities for a distant maturity are followed, so that correspondingly small sinking-fund payments may allow greater amounts of current funds to be used by the government, the extinction of the receivership will be many years away. A query inevitably arises in one's mind as to whether these greater current sums may not be applied to increase the "honest wage" of prominent politicians or add to the number of jobs at their command for the enjoyment of friends, relatives, and henchmen. But if the Dominicans pay their debts, and live up to their obligations in international law, it is perhaps true that they should be allowed to govern themselves as badly as they like.<sup>1</sup>

CHARLES E. CHAPMAN.

University of California.

<sup>1</sup> While this article is primarily the result of the writer's personal observations in the Dominican Republic, it has also availed itself of other evidences. One such is the following: Edna Lucile Breen, "The intervention of the United States in the Dominican republic since 1898", MS (M.A. thesis in the writer's seminar), November, 1919, in the Library of the University of California. Among important current items may be mentioned the annual reports of the receiver general of customs. For a recent estimate of the mission and work of the Dominican customs receivership, see Henry Kittredge Norton, "The ethics of imperialism" in *World's Work*, LI. (January, 1926), 321-328, especially 324-325.

## BOOK REVIEWS

*The Conquest of Brazil.* By ROY NASH. (New York: Harcourt, Brace and Co., 1926. Pp. xvi, 438. Illus.)

When the reviewer first saw mention of the title of this book, his hopes, stimulated perhaps by memories of Prescott, looked forward to the appearance of a good history of colonial Brazil, a work that is crying for production.

But the author is not responsible for the disappointment of the reviewer's hopes, unless the suggestion of the title could be viewed as a little misleading, although he has not attempted that much needed undertaking. Perhaps a more illuminating title would have been *An Interpretation of Brazil*, for that is really what the book undertakes.

Nor is it to be assumed that such an interpretation is either less interesting or less valuable than a well written and comprehensive history would have been. For an understanding of Brazil today and an understanding of what the future seems to hold for that country are sorely lacking in the world at large and in the United States of America in particular. The part that Brazil has played in the League of Nations, and particularly the concern which the nations of Europe have manifested over its withdrawal following the recent controversy over permanent seats in the Council of the League, have been something of a puzzle to many people who are ignorant of the past development, present status, and future possibilities of that country. Works of this nature are of real value in aiding in the solution of that puzzle.

Though the work under review is an interpretation and not a history, it must not be thought that the historical approach is overlooked. Indeed an interpretation of a people, nation, or country, that ignored the historical point of view would be no interpretation at all, and the author has not been guilty of such an error of judgment. He draws upon the past freely and uses it effectively for his examination of the present and his glances into the future. But it is only a partial presentation.

The author makes his viewpoint plain and acquits himself of any possible accusation of attempting exhaustiveness, in his preface. His

story is, in his own words, "a narrative of the interaction of land and people. Too much land and too few people. The marks made by mankind upon the land and the impress of plain and plateau and mountain upon mankind." But it may perhaps be questioned whether in his attempt "in order to bring the activities of four centuries upon a continental stage within one field of view, . . . to look at a vast array of facts through a reducing glass so powerful that all insignificant details will be reduced below the limit of vision, leaving facts of social significance standing out boldly from a stark background" he has not used too powerful a glass and omitted from view many really significant facts.

The historical portion of the book, though the past is continually referred to in other chapters, is called "The Sowing" and is found as Chapter IV in the first division of the volume which he calls "The Peopling of the Lands". It follows two chapters called "The Seed" and "The Soil" respectively, the first of which deals with the three major racial elements that contributed to Brazil, Indian, Negro, and Portuguese, and the second with the natural features such as topography, climate, forests, pastures, power, and fauna. But the whole of the "sowing", which extended over more than four centuries, is treated in the space of 80 pages, a very powerful reduction indeed, even if the outline is intended primarily to show how the racial stock became what it now is.

Sketchy as the treatment is and open to disagreement as to what might advantageously have been put in or left out, or emphasized or interpreted in a different way, this chapter strikes the reviewer as both the most interesting and the most valuable contribution of the work. Would there were space for more extended comment.

The other major divisions of the book, though quite unequal in length, are entitled "The Essential Facts of Human Geography", "Some Essentials of Human Happiness", and "Looking Ahead". They are interesting and well done, revealing the author's philosophy quite as much as the features he sets out to describe.

It will be a relief to most prospective readers to know that the style of the book is journalistic rather than academic, though a great amount of investigation and selection have gone into its preparation. The numerous maps and illustrations add greatly to the attractiveness and intelligibility of the text, with now and then the necessary touch of first hand experiences to make the treatment personal. All in all

the work is a readable and valuable addition to our all too limited literature on a fascinating and important portion of the world.

HERMAN G. JAMES.

University of Nebraska.

*Portuguese Literature.* By AUBREY F. G. BELL. (Oxford: Clarendon Press, 1922. Pp. 375.)

Mr. Aubrey Fitz-Gerald Bell is one of the foremost students of Hispanic Letters. He is, furthermore, one of the most productive. His indefatigable industry and tireless research have already produced a formidable list of contributions to Spanish and Portuguese literature of permanent value. The scope of his studies may be indicated by the titles of some of his works, *e.g.*, *Baltasar Gracián*; *Contemporary Spanish Literature*; *Luis de Camões*; *Luis de Leon*; *In Portugal*; *The Magic of Spain*; *A Pilgrim in Spain*; *Portugal of the Portuguese*; *Portuguese Bibliography*; *Studies in Portuguese Literature*. There are still others, and considering the author's age—he was born in 1882—much more may be expected.

In the work under actual consideration, the author has presented a formal history of Portuguese literature. He calls attention to the strange neglect of this "new" literature in England and other countries and justifies his effort to give an account of it by the statement that even now no really complete history of Portuguese literature exists. Credit is fully given to those scholars whose work has facilitated the preparation of this history, namely, Edgar Prestage, Carolina Michaëles de Vasconcellos, Theophilo Braga, Fidelino de Figueiredo, and Joaquim Mendes dos Remedios.

The arrangement of the material is as follows: Introduction; I. 1185-1325; II. 1325-1521; III. The Sixteenth Century (1502-1580); IV. 1580-1706; V. 1706-1816; VI. 1816-1919; Appendix 1, Literature of the people; 2. The Galician revival.

The reviewer has made frequent use of this work for bibliographical and historical reference and has found it a most satisfactory manual. The biographical and bibliographical data are full; the historical background is fully treated; and the critical estimates are sound. Of special interest and value are the chapters on the sixteenth century, in which are discussed Gil Vicente, the lyric and bucolic poets, the drama, Camões, the historians, quinhentista prose, and the religious

and mystic writers; and that on the nineteenth century containing the romantic school and the reaction and after.

This work is not only invaluable to the student of Portuguese letters—may their number increase—but also as a library reference book. Its perusal will effectually dispel the error of those who think that the Portuguese literature “has but one poet and a single book”.

The reviewer permits himself to express the hope that Mr. Bell will in the future devote some of his attention to the extension of Spanish and Portuguese culture to the countries of the new world whose literatures are assuming an importance that challenges the serious interest of students.

C. K. JONES.

*Viceregal Administration in the Spanish-American Colonies.* By LILLIAN ESTELLE FISHER. (University of California Publications in History, Volume XV.) (Berkeley: University of California Press, 1926. Pp. x, 397. \$3.00.)

Dr. Fisher's volume is the first comprehensive survey of viceregal administration which has appeared in any language. Much of it is based upon primary materials and it represents an immense amount of research. The book opens with an excellent discussion of the powers and limitations of the viceroy and an attempt to classify his various functions. The remainder of the work deals with the viceroy as civil administrator, as superintendent of the treasury and promoter of industry and commerce, as president and participator in the work of the audiencia, as vice-patron of the church, as captain-general, and, finally, as protector and mentor of the people. Perhaps no better organization could have been made, but the divisions in the viceroy's functions do not always appear logical.

The style of the work is characterized by clearness and precision. Each chapter is provided with an excellent summary and the volume closes with a final summary and conclusion. There is also an excellent bibliography and a comprehensive index, and the appendix gives a very useful list of all the viceroys, with dates of their terms of service.

Miss Fisher has rendered the students of Spanish-American history an important service. The present reviewer has only two criticisms to make, and one of these is of minor importance: (1) In illustrating the viceregal duties and functions, a disproportionately large

space is given to Mexico. (2) The population statistics in the last chapter are inadequate, a defect which could have been remedied in part by reference to Humboldt's *Travels in Equinoctial America*, which the author does not appear to have consulted.

J. FRED RIPPY.

*The Diplomatic and Cultural Relations of the United States and Chile, 1820-1914.* By WILLIAM RODERICK SHERMAN, Ph.D. (Boston: Richard G. Badger, 1926. Pp. 224.)

This solid piece of research is marred by poverty in style and organization and carelessness as to form in the footnotes and bibliography. A survey of the bibliography tends also to give the impression that the author has very slight knowledge of the Spanish language. Yet the work, as a whole, reveals evidence of painstaking investigation. Not only have all the important printed works been examined, but materials in the archives of the State Department have been consulted for the period prior to 1860. As it is the first general survey of the relations of the United States and Chile, the book will be welcomed, in spite of its patent defects, by all students of American diplomacy.

Nevertheless, it can not, in the opinion of the present reviewer, be taken as a definitive work on the subject. The figures on commerce and investments are too fragmentary and the naïve style and form will destroy the confidence of scholars. This field is still open to the man who has the courage to resurvey the documents and bring the story to date. Perhaps the State Department can be induced to open its archives for research on the more recent period. United States-Chilean diplomacy is a subject of considerable importance in the general history of inter-American relations and it deserves serious study.

J. FRED RIPPY.

*Colonial Records of Spanish Florida. Letters and Reports of Governors and Secular Persons.* Volume I. 1570-1577. Translated and edited by JEANNETTE THURBER CONNOR. (DeLand: The Florida State Historical Society, 1925. Pp. xxxiv, 367, [1] Facsimiles; index. \$15.00.)

This volume (a compilation of documents from Spanish archives) is No. 5 of the publications of the Florida State Historical Society.

Of it 325 numbered copies were printed by the Yale University Press under the direction of Carl Purington Rollins at the printing office of E. L. Hildreth and Company. Like all other publications of the Society, this work has not been placed on general sale. Three hundred copies were set apart for distribution to the members of the Society and the rest held for such disposition as the Society may direct. The volume, the second work translated and edited by Mrs. Connor for the Society,<sup>1</sup> is printed on special handmade paper and bound simply but elegantly and substantially in cloth back and brown boards.

The typography, presswork, and other craftwork are in keeping with the materials used and in harmony with the subject matter of the book.

The volume is one of original sources and adds much to our knowledge of early Florida—indeed, the various documents give an intimate acquaintance with the life of the early colony, with its fears of Indian uprisings, and of European aggression, its bickerings, residence of the governor (the probing into his official life), the royal officials, the official visitor from Cuba, who was none too lenient in his probings, the life of the garrison, the need of the soldiers, the fortifications, the life of the common people, the inefficient attempt to provide farmers to feed the colony, in fine, many intimate details which may not be mentioned here for lack of space. All this detail is presented in twenty-six documents which are printed in the text proper and in seven appendices. All—except the last document which is concerned with Cuba rather than with Florida, although it is a necessary adjunct if one would understand the bluff governor Pedro Menéndez Marqués, the nephew of the great Pedro Menéndez de Avilés—are presented in the original Spanish with an English translation facing it. The exception presents only the Spanish. In setting the Spanish type, the greatest care has been exercised to preserve the peculiarities of the original; and it was necessary, indeed, to have many special types cast, including the versicle. The translation has

<sup>1</sup> The first, *Pedro Menéndez de Avilés*, was issued as No. 3 of the publications of the Society. It will be reviewed in a later issue of this REVIEW. Mrs. Connor has also in preparation a volume (perhaps two volumes) of the letters of the great adelantado which will be published by the Society; as well as a popular work on the missions of Florida—the latter to be published independently of the Society and to be placed on general sale.

been made faithfully, but racily and in no slavish manner, and its reading is therefore easy and pleasurable.

The documents take up the narrative five years after the founding of St. Augustine, and three after the picturesque and poetic revenge of the high-spirited de Gourgues. The volume, in its choice of documents, their translation and editing, is a worthy successor of the work started by the Florida historical pioneers, Buckingham Smith and Woodbury Lowery, whose spiritual successor Mrs. Connor has become. It was, in fact, the reading of Smith and Lowery that first started the author along this chosen pathway, and gave her the desire to throw more light on the history of Florida.

In her preface, Mrs. Connor points out the fragmentary character of existing histories of Florida and the excellent work of Lowery, which was intended to correct much of what had already been written, and to close up the gaps—designs unfortunately terminated by the regrettable death of Lowery. The preface should by all means be read carefully, for besides giving a well written sketch of Pedro Menéndez Marqués, Mrs. Connor clears up the confusion between the two nephews of the great adelantado, namely, the one just mentioned above who was the son of a sister of Pedro Menéndez de Avilés, and Pedro Menéndez de Avilés, the younger, who was the son of a brother, Alvaro Sanchez de Avilés. Both González Barcía, whose book was published in 1723, and Eugenio Ruidiáz, whose two-volume work was published in 1893, confused these two men.

Mrs. Connor tells us that there are three great reports in this volume: "one made in 1573 by the Adelantado and many others, on the dearth and destruction caused by the Indians of Florida (pp. 30-81); another a mass of evidence taken in 1576, relating to the experience of the settlers at Santa Elena before the Orista (Edisto) Indians burned Fort San Felipe (pp. 144-185); and a third written in 1577, in the form of a letter by Baltasar del Castillo y Ahedo, which is an account of his official *visita* or inspection of the colony and concerns persons, events and conditions there (pp. 202-237)." The reviewer thinks that to these three should be added at least a fourth, namely, the letter from Pedro Menéndez Marqués to the king, written from Santa Elena, October 21, 1577 (pp. 263-277), in which is recounted the woeful plight of the settlement of St. Augustine, the rebuilding of the fort at Santa Elena, and suggests that the governments of Florida and Cuba be vested in one person. Another im-

portant document is Appendix B, namely, the Investigation of the return from Florida in 1570 of Esteban de las Alas (pp. 293-321). But each document of the volume has an important setting in this mosaic of the earliest Spanish settlements in territory now a part of the United States. This is rich background for the history of Florida. The reviewer would like to speak of many matters recounted in the document, but his limited space forbids. The annotations are excellent, and one might wish there were more of them. The index is better than in many books but the reviewer would like to have seen a more extended one. The high character of the entire work, the importance that these documents have for the history of the United States, their importance also as a part of Spanish colonial life, and moreover their human interest, all combine to excite the desire that the second volume in this series will not be long in making its appearance.

JAMES ALEXANDER ROBERTSON.

*Guide to British West Indian Archive Materials in London and in the Islands, for the History of the United States.* By HERBERT C. BELL, DAVID W. PARKER, AND OTHERS. (Washington, D. C.: Published by the Carnegie Institution of Washington, 1926. Pp. 435. Index.)

In this work the Historical Research Department of Carnegie Institution has offered to students of the history of America, as well as to students of the history of European diplomacy with reference to America, an aid which will lighten the work of research considerably, so far, at least, as British archives are concerned. The volume is No. 372 of the publications of the Carnegie Institution. In the first 317 pages are listed papers of the Colonial Office in London. These papers, as stated in the prefatory note, were formerly described by Professor Charles M. Andrews in his *Guide to Materials for American History, to 1783, in the Public Record Office of Great Britain* (Washington, Carnegie Institution, 1912). In the present volume, however, the papers listed—namely, “those series which deal with the West Indies and with certain adjacent areas of Central and South America with which the British Islands always had close relations”—are cited in greater detail. Pages 318-319 list papers of the West India Committee, London, mainly relating to shipping and trade between

1769-1827, all from the old minute books. The remaining papers are those in the British archives of Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, Dominica, Grenada, Jamaica, Montserrat, Nevis, St. Kitts, St. Lucia, St. Vincent, Tobago, and Trinidad. The justification for the volume, if justification be needed, is found in Dr. J. Franklin Jameson's statement in his preface (p. iv), namely: "To study the 'Old Thirteen' colonies alone is a false method. It is to read into the history of our colonial period a distinction which did not then exist, and in so far to distort and mutilate that history."

Although primarily concerned with British matters, the materials listed, nevertheless, contain many items relating to Hispanic America. The index, which is remarkably complete, shows that most of these have been gathered under the caption "Spanish West Indies and mainland". The student should consult other captions in the index, such as American Revolution, Cuba, East and West Florida, Navy (Spanish), Spanish Asiento Company, Venezuela, Vera Cruz, and others. The documents here listed touching on Hispanic America will aid in rounding out many matters treated in papers conserved in the Spanish archives. The volume as a whole is a welcome addition to the historical student's bibliographical aids. The compilation has been made with care.

JAMES ALEXANDER ROBERTSON.

*Mayan and Mexico Origins.* By LEO WIENER, Professor of Slavic Languages and Literatures in Harvard University. (Cambridge; privately printed, 1926. Pp. xxvii, 172; 125 plates; pp. 173-204. Map, indices. \$60.00.)

The colophon of this volume states that three hundred copies were printed at the Yale University Press under the direction of Carl Purington Rollins; and the preface (p. xxvii) that the publication of the work was made possible by John B. Stetson, Jr., present minister for the United States to Poland, who has long been interested in the studies of American archeology and history, and who was a former student of the author. In its mechanical make-up, the work leaves nothing to be desired. The types are well cut and clear, the page is well balanced throughout, and the binding is dignified. The plates, many of which are in color, represent the highest per-

fection that has been reached in work of this character by the press in this country. The small edition, and the quality and excellence of materials and workmanship combined to make the costs of production very high.

The author's viewpoint in his approach to his task is well known through his previous work *Africa and the Discovery of America*. As in the case of the latter, the present volume will doubtless meet with dissent and possibly with ridicule from some quarters. If dissent come after a serious reading of the work, and ridicule, provided justifiable reasons therefor can be given, it would be hard to see how the author could object; but if one or both come without careful reading and consideration, this would be most unscholarly. The fact is, there are here introduced certain data, arguments, or hypotheses which, if true, will overthrow much that has been considered gospel in the study of American archeology and history. Should these data be proven untrue, or miselading, then they should properly be disregarded; but if their truth should be established after careful weighing of the evidence, then we must proceed to the reconstruction of much that has been regarded as proven.

In this volume, the author, after an introductory chapter treating of traders' jargons, discusses the following: the philological history of Nahuatl *atl*; the philological history of Nahuatl *olin*; the evolution of the glyph *atl*; the evolution of the god *Tlalok*; the god *Ketsalkowatl*; *Tonakatekutli* and the gods of the merchants; the Mayan water glyphs; the black god; the philological history of maize; the crocodile; the thirteen lords of the day; the jaguar; the philological history of Nahuatl *ton*; and *Tun* and *Qatun* in the Mayan chronicles. Proceeding from the assumption of the Mandingo origin of American civilizations, which forms the argument of the work above cited, and

studying the Indian's mode of thinking and representing his thoughts in writing from the permanent linguistic data, based on native etymologizing, which are as active today in living speech as when they were represented in rebus form in the pictorial manuscripts (p. xxv).

Wiener concludes (p. xxvii), that

The major part of the religious concepts of the Mandingos, hence of the Mayas and Mexicans, arises from linguistic speculations bequeathed by the Arabs in their astrology and astronomy, as derived from a Hindu source, hence

it is now possible to maintain that the American civilizations were derived from Africa after the ninth century, since it is only in the ninth and tenth centuries that the Hindu study of the sky became the preoccupation of the Arabs.

The work is throughout a study in linguistics, and the display of erudition on every page, embracing every quarter of the globe, is somewhat disconcerting to the layman. Whether one grant or not that Wiener's linguistic data are correct—and the present writer dare not presume to prove or disprove this—he can not fail to be struck by the vast sweep of the text. It need not be pointed out that there is always danger in making historical deductions from linguistic data, and it is to be presumed that the author has been fully aware of this. At any rate, the student who has no prepossessions, or who will forget any that he may have, or even he who is frankly opposed to Wiener's reasoning and conclusions, will find the work most interesting, suggestive, and stimulating. It comes with something of a jolt to be told that the American civilization dates back to no farther than the ninth or tenth century and that the Mayan was later than the Aztec. It would seem that the arguments on which these assertions are based should be carefully considered and a sincere attempt be made either to prove or disprove them. It should be noted that Wiener's arguments find ready acceptance among many prominent European scholars. The beautifully-executed plates are reproductions from the several codices and from early books. They are most useful whether or not one accepts the findings of the text.

JAMES ALEXANDER ROBERTSON.

## NOTES AND COMMENT

Professor Mary Wilhelmine Williams of Goucher College is spending the academic year on leave of absence in Hispanic America gathering data for the completion of her *History of the Latin American People*. During the month of September she was in Buenos Aires.

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Dr. Isaac J. Cox has recently returned to Northwestern after a year's leave of absence. During this interim he took over the classes of Dr. Percy A. Martin at Stanford for a half year and spent the rest of the time in South America, principally in Chile.

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Dr. Martin is still in South America. Quite recently, he spent some three weeks in Buenos Aires after which he returned to Montevideo. He has spent considerable time in Brazil and Uruguay, in both of which he received many courtesies and help from scholars. In Montevideo he had the enviable experience of being a guest at the home of Dr. Brum. [As this number of the REVIEW goes to press, it has been learned that Dr. Martin has returned to the United States.]

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Dr. William Lytle Schurz, formerly of the University of Michigan and later commercial attaché for the United States at Rio de Janeiro, has severed his connection with the government of the United States in order to become economic adviser of the government of Cuba. Among his immediate tasks there will be an economic survey of Cuba and the organization of a Bureau of Foreign and Domestic Commerce.

## BIBLIOGRAPHICAL SECTION

### FERNÁNDEZ DE LIZARDI AS A PAMPHLETEER

There was great need in Mexico, during the early decades of the nineteenth century, for an apostle of reforms. The evil effects of a system of government, originally devised for the provinces in Spain but poorly adapted to colonial conditions in America, were in evidence on every hand. As a result of this system, Mexican society was composed of three distinct classes: first, an immensely wealthy few, who, housed in palaces and served by retinues of servants, knew no want that riches could satisfy; second, a middle class, rich in pride but poor in purse, to which the greater part of the Spanish population belonged; third, the great mass of the native population, the dregs of society, extremely ignorant and indigent. The governmental system was honey-combed with corruption; from the viceroy to the lowest of municipal officials, few were above taking advantage of the Indians, and bribery was the order of the day. Justice for the poor and the ignorant was a thing unknown. The yoke of the Catholic Church, which owned more than one third of all the land in Mexico, weighed heavily on the creoles and Indians. The tithing system stripped the natives of their hard-earned pennies, while the high church officials, all Spaniards, lived in ease and plenty. Much of the wealth amassed at the expense of the poor had been spent in the erection and decoration of churches and monasteries which dotted not only the cities but the whole country-side, yet superstition and ignorance went hand in hand. The few schools which existed were almost entirely under the control of the Church; the course of study was still that of the medieval schools of Europe. Books were scarce; those from Spain had been subjected to censorship there and a still closer scrutiny on their arrival at Mexico; the small number which appeared in Mexico were closely examined by civil and religious censors before permission for printing was given.

Upon such an arena appeared José Joaquín Fernández de Lizardi, known to his countrymen as *El Pensador Mexicano*<sup>1</sup> and to the liter-

<sup>1</sup> I.e., "The Mexican Thinker."

ary world as the author of *El Periquillo Sarniento*, the first picaresque novel written in America.<sup>2</sup> In addition to his more famous novel, Lizardi issued many pamphlets, of which some 250 single issues and four serial publications are now known. These are of much interest, for they reflect in great detail the social and religious, as well as the ever-shifting political situation in Mexico from 1810 to 1827. In these pamphlets the voice of Lizardi is heard, as if in a wilderness, calling to his countrymen to look about them and to realize the need of reforms. In order to attract their attention to the most vital, he painted for them scenes from the life of the day illustrative of social, political, and religious abuses. His theme varied from time to time according to the status of the press: in 1810 and 1811, and from 1814 until 1820, under a muzzled press, he was forced to content himself with attacking social conditions; in 1812 and from 1820 until 1822, with a free press, he devoted himself to the complex political problems then facing the Mexican nation; in 1824-25, he focused his attention especially upon needed reforms in the Church. In addition to the groups of pamphlets on these questions, Lizardi published many single pamphlets on a great variety of subjects; in them all, he repeated many times that his purpose in writing was to bring about much needed reforms.

Lizardi made his debut in the literary field in 1810 as a poet. Unlike other versifiers of that day, he did not publish his poems in any of the current periodicals for two reasons: he wanted to reach the ear of the common people, and he had to make a living. To accomplish these ends, his poems, bearing striking titles in order to attract the eye of the public, were issued as pamphlets which were sold on the streets of Mexico City for a few pennies each.<sup>3</sup> All of his poetry issued in these years is of a light satiric character; in each poem

<sup>2</sup> Born in Mexico City in 1776 of poor parents, Lizardi received the education of a Spaniard of the better class at the University of Mexico. Little is known of his life after leaving that institution without a degree until the publication of his first pamphlets in 1810. For further biographical material, see Luís González Obregón, *D. José Joaquín Fernández de Lizardi* (Mexico, 1888), and Nicolás Rangel, "El Pensador Mexicano", in *El Libro y el Pueblo*, IV. Nos. 10-12. For a bibliography of Lizardi's works, consult the above-mentioned work of González Obregón and his "Bibliografía del Pensador Mexicano", in *El Libro y el Pueblo*, IV. Nos. 1-3.

<sup>3</sup> Lizardi later collected and published some of his early poetry in the first volume of his *Ratos Entretenidos* (Mexico, 1819).

he held up to ridicule some type of the society about him. Among those portrayed in these pamphlets are: the old man fond of young girls, the old woman who resorts to cosmetics in an attempt to appear young and engaging; the rich man who becomes charitable only when death comes; the faithless husband and the faithless wife; those who attend the theaters and churches to carry on their amours; the wife who neglects her household duties because she is a religious fanatic or likes to gad about town; the girl of easy virtue who pretends that she is either a virgin or a widow; the husband, without an occupation, who profits by having a pretty wife accept gifts from her gentlemen friends; young women who maneuver to marry rich men; the dandy who struggles to keep up an appearance; merchants who cheat with false weights and measures; apothecaries who deceive their customers with worthless drugs; charlatan doctors; and dishonest lawyers. Although, from the literary standpoint, all of this early poetry is crude and lacking in true poetic inspiration, there is revealed in it the real talent of this Mexican writer—the ability to depict the society of his day and to satirize its foibles and shortcomings.

Lizardi suddenly turned his attention from poetry to prose in 1812, not on account of unfriendly criticisms, although these were not lacking, but because, through the adoption of the Constitution of Cádiz which granted the right of freedom of the press, the opportunity had presented itself of extending his campaign for reforms from the social to the political field. For this purpose he established his first and best known periodical, *El Pensador Mexicano*, from which his pseudonym is derived. In the opening numbers of this serial, he announced himself an ardent advocate of freedom of the press; to its absence he attributed the degraded position which Spain occupied among the nations of Europe. In the free press he saw an instrument by which better laws might be secured and more effective service exacted from those to whom the execution of the laws was entrusted; but at this time Lizardi was still willing to concede that articles dealing with religion should be subjected to a censorship. In the new constitution he saw a panacea for many of the existing evils to which he did not hesitate to call attention—unjust and excessive taxation, monopolies, and corrupt officials (no. 3). “No hay nación que haya tenido más mal gobierno que la nuestra”,<sup>4</sup> he dared to

<sup>4</sup> “There is not a nation which has had a worse government than ours.”

write in 1812; still he attributed this condition not to the intent of the Spanish kings themselves, but to their corrupt ministers who by adulation had usurped the royal power. Bad government under such corrupt ministers as Godoy, the unfair distribution of public offices—nearly all of which were held by Spaniards—excessive taxation, and the restrictions on industry were the real causes of the outbreak of revolution in Mexico in 1810, and not Hidalgo, he asserted. In his daring, he even ventured to satirize the viceroy, D. Francisco Xavier Venegas, himself, requesting him at the same time to revoke an edict by which revolutionary priests were to be tried by a military court (no. 9). This celebrated article appeared on December 3, 1812, and two days later freedom of the press was revoked and the arrest of the *Pensador* ordered. He spent the next seven months in jail and during that time faced the danger of being condemned to death. Either insufficient evidence or the hope, on the part of the authorities, that this punishment would be a lasting lesson to the *Pensador* brought about his release on July 7, 1813.

But they were mistaken in thinking that the reformer had been silenced. On September 2, 1813, a prospectus appeared announcing the continuation of *El Pensador*. In their general tone, however, the pamphlets of this and the following year were more moderate; Lizardi refrained from direct criticisms of high government officials although he continued to plead for reforms. In the early issues he urged the restoration of freedom of the press and he rejoiced in the abolition of the Inquisition (nos. 2 and 5). In the fourth number he attempted to reconcile the revolutionary and royalist factions by calling attention to the folly of the jealousies that existed not only between different countries but between provinces of the same country. He attributed the wretched condition of Mexico to the foolish pride of the *hidalgo* class that preferred poverty to work; the shortness of foodstuffs to the lack of laborers; and the prevailing high prices to exorbitant merchants (no. 6). He exposed and denounced the tricks of merchants who cheated the public with false weights and measures, and he handled quack doctors and venders of useless drugs without gloves. The city officials were criticised for permitting filthy and poorly lighted streets and for the lack of adequate police protection (no. 7). To eliminate the presence of so many beggars on the streets, the *Pensador* devised a plan for disposing of them (nos. 8-9). He

satirized vigorously the shortcomings of the Mexican people themselves—their obsession for coaches, for new styles, and for foreign importations (nos. 6-18). One article of this series was devoted to a defense of the Catholic religion; in this, contrary to his later beliefs, Lizardi denounced religious tolerance and liberty, and justified the prohibition, on the part of the church, of heretical books. All the so-called heretical cults of the time, he attacked; but he expressed, at the same time, contempt for the indifferent Catholic who remained in the church only for his personal convenience, sympathy for the liberals who were in earnest about effecting reforms within the church, but none for those who sought only to deprive the church of its property. While he believed that too much gold was pouring into the coffers of the church, he approved of richly decorated churches. He defended the clergy against those who blamed all priests for the misdeeds of a few (nos. 11-15).

During 1814 Lizardi continued, in the various issues of *El Pensador*, his suggestions for reforms. Regarding the lower classes of Mexican society he wrote: "Nuestra plebe es la más ignorante del mundo",<sup>5</sup> and for this condition he blamed the clergy and the city council. To remedy the situation, he urged (nos. 7-9) the establishment of primary schools in Mexico, and proposed means for their support other than charging tuition. He advocated, furthermore, that the teachers be paid a decent salary, that they be neither too young nor too old, and that they win the confidence and respect of their pupils by love rather than by corporal punishment. In this same article, he worked out a plan for compulsory education and for providing indigent pupils with books and clothing. Three other articles of this year are unusual: a plan for reforming the theater (*Suplemento al Pensador Mexicano*, February 28, 1814); his celebrated condemnation of bull-fighting (no. 14); and "Mi vindicación" (nos. 10-11), in which he summarized the reforms for which he had labored, and lamented that the Spaniards, misinterpreting certain articles of his, regarded him as an insurgent, while his own countrymen hated him, not only because he had pointed out their shortcomings but especially because he had urged that the Spaniards be represented in the elections. To those who accused him of currying favors in this manner with the Spaniards, Lizardi, the citizen of the world and the advocate of the brotherhood of man, made this reply:

"Our masses are the most ignorant in the world."

No me digas tu patria que no quiero  
saber si eres francés ó si britano;  
si natural de aquí, si forestero;  
si español de ultramar ó americano.

Un hombre hijo de Adan te considero,  
y siendo hijo de Adan eres mi hermano.  
tu virtud quiero ver, conducta y ciencia  
que en lo demás no encuentro diferencia.\*

After the return of Ferdinand VII. to the throne and the reëstablishment of absolutism, the governmental reins which controlled the press were gradually tightened until there was small chance for pamphlets such as issued from the pen of Lizardi to see the light. After the last number of *El Pensador*, which was probably discontinued because Lizardi had to be more and more careful in his utterances, only four or five single pamphlets and two periodicals appeared, and in these the author was forced to limit himself entirely to a discussion of social problems. In the *Alacena de Frioleras* and in the *Caxoncito 1º de Frioleras*,<sup>7</sup> the writer's hope of bringing about reforms is, however, still evident.

But the realization that his earlier avenues of approach to the public were closing about him no whit deterred the Pensador from his purpose; he found an open road in the field of fiction. In his novels, all written during the period of absolutism, he was clever enough to weave a sufficient plot and to create characters of such interest that his underlying purpose was lost sight of by the censors; only the fourth volume of *El Periquillo* failed to secure their approval. Of the four novels—*El Periquillo Sarniento*, published in

\* I.e., Tell not to me thy country, for to me it imports not  
To know whether thou art French, or whether thou art Briton,  
Whether native of this place, or from afar,  
Whether a Spaniard from overseas or from America.

As a man, a son of Adam, do I consider thee,  
And being a son of Adam, my brother art thou,  
Thy integrity, thy worth, thy knowledge, would I see,  
But so far as concerns other things, I find no difference.

<sup>7</sup> For a description of these periodicals, see José Toribio Medina, *La Imprenta en Mexico*, VIII. The names of the two papers in English are: *Cupboard of Trifles*; and *Box, No. 1 of Trifles*.

1816, *La Quijotita y su Prima*, in 1819, *Noches Tristes*, also in 1819, and *Don Catrín de la Fachenda*<sup>8</sup>—the first is as well known to the average Mexican as is *Don Quijote* to the Spaniard, but only in *Don Catrín* are the characteristics which have made the first novel famous—the spicy incidents and the picaresque element—developed to any thing like the same extent. As literature, all are marred by long moralizing passages which tend to detract from the thread of the story, but in each one there are to be found excellent character sketches and colorful pictures of life in Mexico in the early nineteenth century.<sup>9</sup>

On May 31, 1820, the constitutional form of government was reestablished in Mexico. Again the freedom of the press was granted and the dreaded Inquisition permanently suppressed. At once Lizardi deserted the field of fiction; for the rest of his life he was to be a pamphleteer. To combat the very prevalent opposition to the constitution, he established *El Conductor Eléctrico*, in which he praised the liberals in Spain who had died in its defense and the king for having sworn to obey it. In the second number he incurred the enmity of the clergy by denouncing those priests who, although they had sworn to obey the constitution, attempted to poison the minds of their parishioners against it. He cited the two classes in Mexico who opposed it: those who did not understand it, and those who had lost power and prestige by its decrees. These enemies, continued Lizardi, alleged that the constitution was against the king, for it deprived him of his power; that it was against society, for it conceded equality to all classes; and that it was against personal safety, for it granted absolute liberty. In refutation, Lizardi argued that although the constitution prevented the king from doing evil, it stated definitely his rights and relieved him of much responsibility (no. 3); he explained that the equality referred to was equality before the law, not necessarily social equality; and he made clear to those who purposely misinterpreted the word "liberty", that crime, under constitutional

<sup>8</sup> Although the 1832 edition is the earliest known today, Lizardi mentions (*Carta Segunda del Pensador al Papista*, Mexico, May 3, 1822) that this novel had been approved by the ecclesiastical authorities in 1820.

<sup>9</sup> See J. R. Spell, "Mexican Society as seen by Fernández de Lizardi", in *Hispania*, VIII. No. 3, May, 1925.

government, would be punished, but that confiscation of property and imprisonment without a warrant were forbidden (no. 12).<sup>10</sup>

Of the plans made by the canon Monteagudo and Agustín Iturbide, which culminated with the declaration of the Plan of Iguala on February 24, 1821, Lizardi seems to have had no previous knowledge. In *Chamorro y Dominquín* (Mexico, March 1, 1821), Lizardi declared that Mexico should be free from Spain, as both countries would benefit by such an arrangement, but in the same article he decried the work of the revolutionary leaders, advised the people to obey the constitution which had almost brought independence, and hoped for an independence which would be granted peacefully by Spain.<sup>11</sup> For issuing this pamphlet, Lizardi was imprisoned a second time, but for only a short period. On March 11, he published a defense of *Chamorro y Dominquín*, in which he said:

Yo me limito a desearla [la independencia] decretada por las Cortes, para que se haga legítimamente y se ahorre la sangre de nuestros semejantes.<sup>12</sup>

In May, 1821, Lizardi left Mexico City to join the Iturbide forces.<sup>13</sup> In *Ni están todos los que son, ni son todos los que están*<sup>14</sup>

<sup>10</sup> In the remaining issues of *El Conductor*, he exposed violations, for the most part by the clergy, of the constitution. In No. 14 he lists the enemies of that form of government in Mexico as follows: "Infinitos frailes, los más de los inquisidores con su *santa familia*, muchos oidores, muchos empleados en rentas, muchos canónigos, casi todos los comandantes, subdelegados de los pueblos, los receptores y alcabaleros con los guardas y metedores de garita, y otros semejantes" (i.e. An infinite number of friars, most of the inquisitors with their *holy family*, many oidores, many income tax collectors, many canons, almost all the commandants, subdelegates of towns, the treasurers and revenue officers, with the guards and smugglers, and others like them). While he conceded that the bishops were supreme in their respective dioceses in matter of religion, he made it clear that the constitution did not concede to them, as was claimed by one, the civic privileges formerly enjoyed by the inquisitors (No. 16). Many single articles were also issued by Lizardi in defense of the constitution.

<sup>11</sup> Lizardi claimed later in the year, when all danger had passed, that he had announced that he favored independence without knowledge of Iturbide's proclamation of February 24. See *Primer Bombazo por el Pensador al Dr. J. E. Fernández* (Mexico, 1821).

<sup>12</sup> I.e., I only desire that [independence] decreed by the *cortes*, so that it may come about legally and prevent the shedding of the blood of our fellowmen.

<sup>13</sup> See *Oración de los criollos, hecha por un gachupín* (Mexico, July 17, 1822). In *Válgame Dios que de Cosas* (January 25, 1822), he states that he had been with the 6th and 12th divisions, and that he published in Tepotzotlan many

(1821), issued probably in May or June, he announced that it was hopeless to await a peaceful independence, for freedom would only come as the result of resort to arms. While with the insurgent forces he witnessed the fighting around the Atzacapotzalco and Tacuba during July and August,<sup>15</sup> and issued many pamphlets in favor of independence.

Lizardi probably returned to the capital about September 21, 1821, the date of Iturbide's triumphant entry. Eight days later he issued a pamphlet in which he stated that the salvation of the country depended on the selection of Iturbide as emperor; he opposed the plan of offering the throne to Ferdinand VII., or, for that matter, to any other European prince. He even went so far as to proclaim:

Yo espero, que en la primera sesión del Congreso, por aclamación se le destine el trono. ¡O! tenga yo el gusto de besar una vez la mano del Emperador de la América, y cierre la muerte mis ojos para siempre. (*El Pensador Mejicano, al Excmo. Señor General del Ejército Imperial Americano, D. Agustín de Iturbide*).<sup>16</sup>

On November 18, he issued *Cinquenta preguntas del Pensador a quien quiera responderlas*,<sup>17</sup> in which he asked why the coat-of-arms

papers in favor of independence. In reference to his services during the Iturbide rebellion, he says in *Más vale tarde que nunca* (1822): "Serví de director de las imprentas y en cuanto se me consideró útil, sin sueldo ni asignacion alguna" (I.e., I served as director of the press and wherever I thought I could be of use, without any salary or remuneration whatsoever). Lucas Alamán (*Historia de Méjico*, V. 292) states that Lizardi was the editor of the insurgent sheet, *Diario político militar mejicano*, which was published at Tepotzotlan. The three pamphlets mentioned are in English: *Prayer of the Creoles offered by a Gachupin*; *For God's sake, what doings*; and *Better late than never*.

<sup>14</sup> A clever play on the Spanish verbs "ser" and "estar", and an idiom in quite common use. It is impossible to translate it literally and convey sense. It means here that not all the Spaniards who were in Mexico opposed independence.

<sup>15</sup> *El Pensador a las valientes divisiones de los Señores Bustamante y Quintanar* (October 7, 1821), and *Gloria al Dios de los ejércitos* . . . (Tepotzotlan, 1821). The names of the two pamphlets mentioned are in English respectively: *The Thinker to the brave divisions of Messrs. Bustamante and Quintanar*; and *Glory to the God of the Armies*.

<sup>16</sup> I.e., I hope that in the first session of the congress, the throne will be assigned to you by acclamation. Oh, may I once have the pleasure of kissing the hand of the emperor of America, and [then] may death close my eyes forever. (*The Mexican Thinker to his Excellency, the general of the Imperial American Army, Don Agustín de Iturbide*.)

<sup>17</sup> I.e., *Fifty Questions of the Thinker to him who cares to answer them*.

of Spain had not been removed from the cathedral; why special honors and privileges granted by Spain, not consistent with a liberal form of government, were still highly regarded; and why the insurgents who had fought in 1810 had not been rewarded. By this time he was demanding equal rights for all regardless of color, the establishment of a *cortes* which would represent all classes, the direct election of deputies by popular vote, the enfranchisement of women with the right to a seat in the *cortes*, and complete religious freedom.

In the early part of 1822, the ecclesiastical authorities, wishing to stay the rapid progress of freemasonry introduced into Mexico by the liberals from Spain, published the papal bulls against that society which had been issued first by Clement XII. in 1738 and later by Benedict XIV. in 1751. In *Defensa de los Francmasones*<sup>18</sup> (February 13, 1822), the Pensador replied that the bulls had unjustly condemned masons as heretics without proving them to be such; that masons could not be infidels if they swore on the Bible, as stated by the bulls, to keep secret the teachings of masonry; and that both popes, in objecting to the secret meetings of this society, had forgotten that the meetings of the apostles had been secret.

Seven days after the publication of this pamphlet, the excommunication of the Pensador was pronounced by Flores Alatorre, the *provisor*<sup>19</sup> of the ecclesiastical chapter. Lizardi, considering himself unjustly treated, appealed to the congress. In this document he alleged that the *provisor* had exceeded his jurisdiction as no single dogma of the church had been criticised in the *Defensa*; that he had been excommunicated without a hearing because he had previously incurred the enmity of the *provisor* by another pamphlet, *Que va que nos lleva el diablo con los nuevos diputados*<sup>20</sup> (1822), in which he had disclosed the worldly manner in which many priests lived, had advocated that priests be paid a fixed salary instead of being permitted to charge fees, had denounced the injustice of the "diezmos",<sup>21</sup> and had argued for the suppression of the canonries on the ground that they had not been instituted by Christ.<sup>22</sup>

<sup>18</sup> I.e., *Defense of the Freemasons*.

<sup>19</sup> I.e., Vicar general.

<sup>20</sup> I.e., *These new deputies are certainly going to play the devil with us*.

<sup>21</sup> I.e., Tithes.

<sup>22</sup> This appeal was also published as a pamphlet with the title, *Exposición del Ciudadano Don José Joaquín Fernández de Lizardi* (Mexico, March 11, 1822).

Although Lizardi directed four other petitions to congress, no action was taken in his case. He appealed, too, to the *provisor* himself, stating that although he had read works on freemasonry, he was not a mason.<sup>23</sup> In the latter part of 1822 he wrote his *Segunda Defensa de los Francmasones*,<sup>24</sup> in which he bitterly lamented that instead of having been rewarded for the various persecutions he had suffered for the cause of freedom and independence, he had been excommunicated. But instead of placating the ecclesiastics, he further incurred their enmity, for, in this pamphlet, he denied the infallibility of the pope; proved, by former cases, that all cases regarding freemasonry should be tried by the civil courts; and showed that, if all papal bulls were observed, the *provisor* himself should be excommunicated for the part he had taken in the Iturbide revolution.

Although he was kept busy much of the time in 1822 fighting the edict of excommunication, he did not neglect the political field. On March 31, he issued *A unos los mata el valor, y a otros los defiende el miedo*,<sup>25</sup> in which he ridiculed the proposal of sending to Europe for an emperor instead of looking for one at home; pointed out the danger that would ever be presented with a Bourbon ruler;<sup>26</sup> denounced religious fanatics and former office holders as dangerous to the new government; and urged that San Juan de Ulloa be wrested from the Spanish troops. Unlike some of his contemporaries, the Pensador did not condemn all the "Gachupines", as the Spaniards were called in Mexico; in his *Oración de los Criollos hecha por un gachupín*,<sup>27</sup> he criticised those writers who were trying to stir up strife between the two classes, and cited Spaniards, such as O'Donoju and Francisco Mina, who had done much to aid the cause of independence.

There is clearly discernible, however, in the later pamphlets of 1822 a growing coolness toward Iturbide. The latter, at the head of the provisional government, had restricted the freedom of the press,

<sup>23</sup> *Defensa del Pensador dirigida al Señor Provisor* (Mexico, December 25, 1822). The title of this pamphlet in English is: *Defense of the Thinker addressed to the provisor*.

<sup>24</sup> I.e., *Second Defense of the Freemasons*.

<sup>25</sup> I.e., *Some are killed by valor, and others defended by fear*.

<sup>26</sup> For similar arguments, see *El Sueño del Pensador no vaya a salir verdad* (April 20, 1822). This title in English is *May the Dream of the Thinker not come true*.

<sup>27</sup> See above, note 13.

and was playing into the hands of the higher clergy. To combat this tendency, Lizardi, in *Maldita sea la Libertad de la Imprenta*<sup>28</sup> (April 12, 1822), was loud in remonstrating against the restrictions on the press; he denounced the friars as lazy and useless to society, accused the priests of unscrupulous practices, and declaimed against the tithing system.

Even after the proclamation of Iturbide as emperor, May 18, 1822, Lizardi continued to wage war on the clergy. In *El Segundo Sueño del Pensador*,<sup>29</sup> which reveals not only his Quevedo-like style but a keen insight into the actual conditions prevailing, he pretended to visit in a dream the throne-room of Agustín I. He saw there

una procesión de muchos eclesiásticos de diferentes trages y colores: iban prevenidos de grandes libros, cédulas reales, bulas, breves y privilegios, pontificios. Seguíalos una turba de beatos y beatas, ó llámense *terceras entidades*, entre seculares y frailes, mezclados ¡quien lo creerá! con no pocas monjas, y una chusma de viejas trapientosas que llevaban tapadas las caras con sus rebozos no sé si por virtud ó por conveniencia de no mostrar sus arrugados chicharrones; pero tan cubiertas que apenas se les veía la mitad de un ojo y la punta de las narices que besaban sus salidas barbas. . . . Cada una de ellas llevaba un atadito de novenas.<sup>30</sup>

There, before the emperor, continued the *Pensador*, knelt this sycophant crowd. One of its members proclaimed him destined by God to be the emperor of Mexico, reviewed the political situation in Spain from 1812, and attributed all attempts at ecclesiastical reforms, on the part of the liberals, to the influence of heretical writings. Growing bolder, the spokesman advised Iturbide to make himself an absolute monarch, and to dissolve the congress for fear that it might hinder him if some day, touched by divine grace, he should desire to

<sup>28</sup> I.e., *Cursed be the Liberty of the Press*.

<sup>29</sup> I.e. *The second Dream of the Thinker*.

<sup>30</sup> I.e., a procession of many ecclesiastics of different clothes and colors: they were well provided with big books, royal decrees, bulls, briefs, and pontifical privileges. They were followed by a crowd of pious men and women, who might be called *the third entities*, amid secular priests and friars, mixed (who would believe it?) with not a few nuns and a crowd of old ragged women who had their faces covered with their veils, I know not whether because of virtue or that they might not show their wrinkled features; but so covered that scarcely could there be seen the half of an eye and the point of their nostrils which kissed their projecting chins. Everyone of them carried a bundle of *novenas*.

reestablish the Inquisition, to abolish entirely the freedom of the press, and to reunite in himself the three branches of the government.<sup>31</sup>

After the removal of Iturbide from the scene of action in May, 1823, there arose two political parties in Mexico—the federalists who believed in a system of government much like that of the United States, and the centralists who favored a strong central government. To defend the former, Lizardi established a periodical, *El Hermano del Perico que cantaba la Victoria*.<sup>32</sup> Aside from publishing this paper, he wrote many pamphlets. In seven of these he urged the capture of San Juan de Ulloa; in one he set forth a plan by which a national militia could be organized without cost to the government;<sup>33</sup> in others, he repeated his demands for religious reforms, and boldly advocated complete religious freedom.<sup>34</sup>

The most important work published by Lizardi in 1824-25 was *Conversaciones del Payo y el Sacristan*, a bi-weekly sheet in which a countryman and a sexton discuss the affairs of state. The execution of Iturbide was now justified by his once ardent admirer on the grounds that it saved the country from a devastating war (no. 1). Recognizing the dangers which might result from the Holy Alliance, the Pensador warned his countrymen to prepare for a possible war, outlined a plan for the organization and equipment of state troops, and insisted that the ports be fortified and the army well paid (nos. 4, 5, 12). Although the stigma of excommunication had been removed from Lizardi by the ecclesiastical authorities, with whom he had made peace in December, 1823, he continued to wage war against religious intolerance and abuses. Probably with the intention of influencing the constitutional congress, then in session, he cited, in his plea for religious freedom, the case of an Englishman who had been murdered for failing to kneel during a religious procession. Recognition by foreign powers,

<sup>31</sup> One month after the forced departure of the emperor, in *El Unipersonal de Don Agustín de Iturbide*, Lizardi attributed the downfall of the former ruler to his not having taken the advice which he gave him in *El Segundo Sueño*.

<sup>32</sup> I.e., *The Brother of the Perico* [a kind of small parrot] which sang the victory.

<sup>33</sup> *Aunque haya nuevo Congreso, ¿qué con eso?* (November 10, 1823). In English this title is *Even though there be a new Congress, what will it do?*

<sup>34</sup> See *Un Fraile sale a bailar* . . . and *La nueva revolución que se espera a la nación* (I.e., *A Friar went out to dance* . . .; and *The new Revolution awaited by the nation*).

he argued, would not be granted to a country in which such atrocities were committed in the name of religion (no. 2). In the following number he dared to write:

Soy de parecer, de que en observando los hombres las leyes civiles del pais en que viven, en sus opiniones religiosas nada tenemos que ver, siempre que no mofen las nuestras ni dogmaticen.<sup>35</sup>

But in this matter, as in many others, Lizardi was doomed to disappointment, for the third article of the constitution of 1824 forbade all religions except the Roman Catholic. Embittered but not disheartened, Lizardi continued to attack the high church officials; he accused the ecclesiastical *cabildo* of disloyalty to the republican cause, of celebrating only in a half-hearted manner the days set aside for commemorating its achievements, and of anxiously awaiting the return of Ferdinand VII., whose portrait still adorned the cathedral walls (nos. 8, 11, 15, 23). The priests themselves, he accused of cruelty to the Indians, who continued their heathenish practices unchecked even in the churches (no. 3). He complained of the injustice of the tithing system, which he thought ought to be controlled by the state; of the enormous sums received by the bishops and canons; and of the practice of permitting priests to charge for their services (nos. 3, 25). In his attacks on the church, he struck at the vow of celibacy, and to prove that it had not been instituted by Christ, he traced the early history of Christianity. Better, he said, "que haya mil clerigos casados y virtuosos que quinientos amancebados"<sup>36</sup> (nos. 20-22). Woman, he maintained, was created to be a companion to man, not to be a nun; in case she became a religious, he thought she should be permitted to renew the vows each year (no. 16). He criticised infant baptism and advocated that the church services be conducted in Spanish instead of in Latin (nos. 6, 9).<sup>37</sup>

<sup>35</sup> I.e., I am of the belief that if men observe the civil laws of the country in which they live, we shall have nothing to complain of, provided they do not make a mockery of our opinions or dogmatize.

<sup>36</sup> I.e., that there should be a thousand married and virtuous priests rather than five hundred living in concubinage.

<sup>37</sup> His views on infant baptism and on celibacy were pronounced heretical by the ecclesiastical authorities on October 22, 1824, and May 7, 1825; this action was approved by the ecclesiastical *junta*; of its decision Lizardi was apprised on June 13, 1825, and given one week in which to make a reply. In *Protestas del*

There is scarcely a number of the 1825 series in which Lizardi did not rail at the church officials for still keeping the coat-of-arms of Spain on the cathedral and for persistently refusing to substitute for it that of the federal republic. The cathedral itself, he maintained, did not belong to the canons, but to the state (no. 1). Although he felt that President Victoria was too lax, he expressed warm admiration for the federal system, and lost no opportunity of attacking the centralist paper, *El Sol*. He urged that traitors to the government be hanged, that the property of disloyal Spaniards be confiscated, and that the powers granted the chief-of-staff be given to the president of the republic (no. 2). He warned the people that Ferdinand was conniving with France in an effort to reconquer the colonies (no. 3). After the arrival of the news of the recognition of Mexico by England, the Pensador urged that a treaty that would guarantee aid in case of an invasion by Spain be made with that country (no. 10). Closer ties, he thought, could be formed with England by repealing the third article of the constitution which, in his opinion, placed Mexico among the intolerant and backward nations (no. 11).

In January of 1825 the bishop of Sonora drew Lizardi into another controversy regarding the church. The former, in a manifesto, pronounced the constitution of Mexico anti-catholic, argued for the divine right of kings, and lamented that God had been deprived of his rights. The Pensador replied by calling the bishop a traitor who was defending not the sovereignty of God, but that of Ferdinand VII.; there was no reason, in the layman's eyes, why the congress and other forms of republican government could not have God's goodwill also (nos. 6-7). When the encyclic of Leo XII., who favored the interests of the Holy Alliance, was received in reply to President Victoria's request for recognition, and it became known that the head of the church had urged Mexico to place itself again under the domination of Spain, the Pensador, thoroughly angered, began a tirade against popery, and, to prove the evil consequences of the pope's meddling in temporal affairs, he traced the rise of papal power.

*Pensador ante el Público y el Señor Provisor* (July 19, 1825), he asked for three months in which to answer the charges. His justification, *Observaciones que el Pensador Mexicano hace a las censuras* . . ., appeared October 5, 1825. On February 6, 1826, Dr. Ignacio María Lerdo replied for the church with *Exposicion contra las Observaciones del Pensador*. . . .

While Lizardi did not dispute the authority of the pope in matters purely spiritual, he did not believe that his authority extended to temporal matters. He differentiated thus between the dogmas of the church and despotism of the pope:

Una cosa es el dogma, y otra la disciplina eclesiástica. Aquel es infalible e inmutable; esta está sujeta a mil vicisitudes de hecho y derecho: el dogma no permite abusos, la política eclesiástica, infinitos; Dios es infalible, el Papa no<sup>28</sup> (no. 23).

He expressed the belief that Saint Peter had not been conceded power above the other apostles, a right that Peter himself had not claimed. He even dared to write:

El Papa no es más que un obispo, de consiguiente, cualquiera obispo es Papa en su diócesis . . . Si el Papa trata de que nos humillemos al yugo de Fernando, no debemos obedecerlo: si nos echa un millon de excomuniones, debemos reirnos de ellas; si nos separa de la unidad de Roma, debemos darle muchas gracias, y convocar un concilio provincial para que elija un presidente que cuide del gobierno interior y exterior de la Iglesia americana, llámese papa, patriarca ó lo que quieran<sup>29</sup> (no. 23).

After the adjournment of the Mexican Congress in 1825, Lizardi wrote a constitution for an ideal republic (nos. 16-21, 24, 25). In this he specified that every useful man, from any part of the world, should be entitled to the rights of citizenship, which he defined as the enjoyment of liberty, equality, security, and the possession of property; that these rights be forfeited for not having an honest means of making a living; and that citizens be required to know how to read and to write. Other articles in this Utopian constitution provided for ecclesiastical reforms, barred to ecclesiastics not in sympathy with republican ideals a seat in all legislative bodies; and required priests

<sup>28</sup> *I.e.*, Dogma is one thing and ecclesiastical discipline another. The former is infallible and immutable; the latter is subject to a thousand vicissitudes of fact and law. Dogma permits no abuses; ecclesiastical policy, an infinite number. God is infallible; the pope is not.

<sup>29</sup> *I.e.*, The pope is nothing more than a bishop. Hence, any bishop is pope in his diocese. . . . If the pope tries to crush us under the yoke of Fernando, we should not obey him. If he hurls a million excommunications upon us, we should laugh at them. If he separates us from Rome, we should thank him profusely and convoke a provincial council to elect a president to look after the domestic and foreign government of the American church—call him pope, patriarch, or anything else you please.

to teach the principles of the new government. The amount of land to be owned by an individual was to be limited; small tracts were to be available to the poor; the condition of the soldiers was to be remedied; prison reforms and the regulation of gambling houses were outlined; trade and industry were to be promoted; greater freedom accorded to the press; and the penal code so simplified that it could be written on monuments of stone in various parts of the city.

In 1825 Lizardi was also engaged in a bitter dispute with José María de Aza who attempted to prove in *Hoy se le aparece un muerto al Pensador Mexicano*<sup>40</sup> that the Pensador was not only a heretic but not even a patriot, and that his only purpose had been to ingratiate himself with those in power. To support his statements, he introduced good evidence: the decision of the ecclesiastical authorities that Lizardi's writings were heretical; the derogatory statements concerning Hidalgo and other insurgents which the Pensador had made in 1812, 1813, 1814, and 1821, although now he was eulogizing them; the advice of the Pensador in 1821 that the Mexicans await an independence granted by Spain; and the earlier attitude of Lizardi concerning religious freedom contrasted with that he now advanced. In retaliation, Lizardi had Aza brought to trial on a charge of defamation of character, but the latter was acquitted on June 2, 1826. In replying to Aza's charges, Lizardi, in *Que respondan los jurados si son necios ó comprados*<sup>41</sup> (June 20, 1826), answered that he was not a heretic because he had never questioned a single article of faith of the Catholic religion. To prove his patriotism, he recounted the two imprisonments he had suffered for expressing daring opinions during the Spanish regime. In mentioning every service which he had rendered the cause of independence, he did not claim, as have some writers,<sup>42</sup> that he commanded a detachment of insurgents in 1811, as he certainly would have done had such really been the case.

In spite of his enemies, who continued to insist that he was a heretic, Lizardi issued on January 6, 1827, his *Dudas del Pensador . . . acerca del . . . catecismo de Ripalda*.<sup>43</sup> He cited from the catechism concrete examples of faulty and evasive answers; and

<sup>40</sup> I.e., *Today a ghost appears to the Mexican Thinker*.

<sup>41</sup> I.e., *Let the Jurors answer whether they are stupid or bought*.

<sup>42</sup> José M. L. Mora, *Mexico y sus Revoluciones*, II. 295.

<sup>43</sup> I.e., *Doubts of the Thinker . . . as to the . . . Catechism of Ripalda*.

branded as unsatisfactory the explanations of the divinity of Christ, of the Eucharist, and of the Holy Trinity. He pointed out, too, that the immaculate conception of Mary and the belief of her bodily ascension into Heaven were not articles of faith as Ripalda stated; and he opposed the idea that entire obedience was due the pope, as it was not an article of faith.

In 1827 the Pensador issued two pamphlets against Padre Arenas, a Spanish priest who had attempted to induce a Mexican officer to rebel in favor of Spain and thereby strangle freemasonry and raise the church to its former power. To counteract sentiment against the execution of a priest, Lizardi argued in *Diálogo . . . entre el Fiscal y Defensor del Padre Arenas*<sup>44</sup> (March 10, 1827) that no mercy should be shown the traitor, and cited the fact that the Apostle Paul as well as Jesus Christ had preached obedience to temporal power. In other pamphlets he advocated that the execution of Arenas be public and in Mexico City.<sup>45</sup>

Less than two months before his death on June 21, 1827, Lizardi published his *Testamento y Despedida del Pensador Mexicano*,<sup>46</sup> in which he reiterated his beliefs and opinions. He affirmed that he had never doubted or questioned the dogmas of faith of the Roman Catholic Church; he expressed the belief that the pope is not superior to the other bishops, but that he might be regarded as an elder brother; the history of the popes, alone, he stated, was proof that they were not infallible; he refused to place credence in succubuses, incubuses, goblins, or apparitions. While he believed in the intercession of the saints, he did not think that each saint had his own particular ill to cure. Among his bequests to his country, Lizardi left a republic, but unfortunately with a constitution whose third article prevented religious freedom; many churches and processions, but little education, charity, and religion; a cathedral on which the canons would place the coat-of-arms of Spain the first opportunity that presented itself; an ecclesiastical *cabildo* which disobeyed the civil law when it pleased; poor police, dogs, and beggars on the streets; and many robbers and assassins who flourished through the

<sup>44</sup> I.e., *Dialogue . . . between the Prosecutor and Defendor of Father Arenas.*

<sup>45</sup> *Si muere el fraile traidor que sea en la Plaza Mayor* (April 1, 1827). The title is in English: *If the friar die as a traitor, let it be in the Plaza Mayor.*

<sup>46</sup> I.e., *Will and Farewell of the Mexican Thinker.*

collusion of corrupt judges and *escribanos*.<sup>47</sup> To the president, he left the advice that he mingle with the people and the soldiers, and that he acquaint himself with the actions of his ministers. The Pensador commanded that there be no screaming when he died, and that his body be not buried until more than twenty-four hours after his death. He wanted no candles around his bier, and he desired that his body be dressed, not in a friar's, but in a soldier's garb. He commanded his wife to pay the regular burial fee, seven pesos, and not to haggle with the priest who would want to charge more for a select spot in the cemetery. He specified that he wished his epitaph to be: "Aqui yacen las cenizas del Pensador Mexicano, quien hizo lo que pudo por su patria."<sup>48</sup>

As, indeed, he did. Had the press exerted but a small part of the influence which Lizardi attributed to it, his pen would have been a powerful agency in the upbuilding of Mexico. But many of his words fell on unheeding ears—the masses were too ignorant, and politicians and churchmen too selfish and crafty to work for the common good. Yet in the pamphlets of Lizardi are to be found not only the germs of all the reforms which Mexico has known in the last century but suggestions for others which must follow in the not far-distant future. He pleaded for a republican form of government with representatives elected by direct vote of the people, including, under that term, women; he urged a more efficient form of municipal government—one that would provide sanitation, protection, and regulation of trade, industry, and public amusements. In his religious platform he laid down as fundamental planks complete religious freedom, the ownership of church property by the state, the barring of political offices to ecclesiastics, and the abolition of the Inquisition, ecclesiastical courts, tithing, and the fee system of the priests. He attacked the infallibility of papal power, celibacy, perpetual vows, and infant baptism; and argued for church services in Spanish so that the people might understand them. Above all he stressed the necessity of the submission of the church to temporal authority.

Nor was he less radical, for his day, in the social reforms he advocated. The abolition of large estates, grants of land to the poor, and adequate wages for laborers were in his eyes fundamentals in a real

<sup>47</sup> *I.e.*, Clerks.

<sup>48</sup> *I.e.*, Here lie the Ashes of the Mexican Thinker who did what he could for his Country.

republic. He exalted the dignity of labor, while he condemned, in no measured terms, the idleness of the beggar. The Pensador stood for compulsory education for all in state schools, free books and clothes when needed, the abolition of corporal punishment, higher standards for professional training, especially in medicine, and more attention to ethics in the legal branch. He asked for justice for all—rich and poor alike; for the guilty, he sought a reformed prison system which would uplift those forced to live under it.

Aside from the ideas advanced, the pamphlets may also lay claim to some literary merit. Their style, unlike that of other pamphlets of the period, is direct, facile, and straightforward. The argumentation is clear, concise, and convincing. Through them all runs a vein of stinging satire that seldom degenerates into actual abuse. Most of them suffer, however, from a lack of polish, due to the very facility with which the Pensador thought and wrote. He utilized his ability to handle words—an ability of which he was himself keenly conscious—to only one definite end—to effect reforms; he never deliberately sought to create literature as such. That even *El Periquillo* has won a place in the world of literature is but an accident.

But carelessly written as are many of the pamphlets from a literary standpoint, unheeded as most of them were by his contemporaries, Lizardi, in his earnestness, planted many seed which bore fruit only after a long time. His ideas were too far in advance of his day in Mexico. Into a society, still in a feudal state, he scattered the theories of an enlightened republic. The development of those ideas may be traced in his pamphlets; that his point of view changed is not to his discredit—it is, rather, an evidence of a broadening horizon which came with wider experience and opportunities. While he lived to see but few of his dreams realized—while Mexico, a century after his death, is yet in possession of a part of his legacy—many churches, but little education, charity, or religion; many politicians, but an unstable government; many police, but dogs, beggars, and thieves on the streets—still the foundations for an enlightened republic have been laid. And in that process no one was more active than Lizardi. His tools were his pen and the press; he used them, in both pamphlets and novels, to but one end—to do what he could for his country.

J. R. SPELL.

University of Texas.  
September, 1926.

## NOTES

Something of the important service that is being rendered by the Comisión Protectora de Bibliotecas Populares of Buenos Aires may be seen in a pamphlet published by the Comisión through the Imprenta y Casa Editora "Coni" of Buenos Aires in 1926. The title of this pamphlet is *Sección Argentina en la Biblioteca nacional de Montevideo. Su Inauguración*. In it are published the Argentinian decree of March 18, 1925 (with preliminary matter pertaining thereto), outlining the work and the method of procedure of the Comisión in foreign countries; the communications with Uruguay relative to the creation of an "Argentinian Section" in the Biblioteca Nacional of Montevideo; accounts of newspapers in Montevideo of the services in connection with the inauguration of the section; the two addresses delivered at the services; a list of the books in the section; and a resumé of the number of books distributed by the Comisión in 1925. The decree states that the objective of the Comisión is the free distribution of Argentinian publications to the national libraries of American countries; to public, official, or private cultural institutions in the Americas; to Argentinian legations and consulates in the Americas; and to private persons who merit this by some distinguishing reason. The expenses of distribution are met from the budget of the Comisión. The works to be distributed are to consist principally of those dealing with the history or geography of Argentina, and Argentina's intellectual, moral, material, and artistic progress. On October 27, 1925, the president of the Comisión, Dr. Miguel F. Rodríguez, in accordance with the terms of the degree, notified the director of the Biblioteca Nacional of Montevideo, Dr. Arturo Scarrone, that a consignment of books was being sent to the library for the beginning of its Argentinian Section, and that this initial consignment would be followed from time to time by other consignments. In the correspondence that ensued, plans were formulated for the installation of the section which was attended by the president of the Comisión. At the installation, held on January 16, 1926, Dr. Rodríguez, in a brilliant address, made the presentation, and the gift was accepted by Dr. Scarrone in a brief reply. On January 17, a reporter on the

Montevidean paper, *El Día*, interviewed Dr. Rodríguez. The latter described the work of the Comisión as twofold, namely, the creation of public libraries in all towns throughout Argentina and the work in foreign countries—the second having its beginning in Uruguay. Already through the efforts of the Comisión, 1,048 public libraries had been founded in Argentina, and some 11,000 books for foreign countries set aside. In 1925, a quarter million volumes in all had been distributed. To the various national libraries in the countries of the Americas, including the Library of Congress, up to date almost 6,000 volumes had been sent; to various other institutions in the Americas, almost 9,000; and to private persons, almost 7,000. The work being done by the Comisión is far reaching and will doubtless have many ramifications. In part, its functions resemble those of the Free Library Commissions of several of the states of the United States, but the scope of the Comisión is apparently much wider. Each library established by it in Argentina, if rightly managed, will become a cultural center; and each deposit of books in the other countries of the Americas, will serve as a focus for the knitting together of the intellectual factors of the several countries. This is an example that could be followed with advantage by every country of the Americas.

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On May 30, 1926, the Comisión also installed, with appropriate ceremonies, an Argentinian Section in the Biblioteca Nacional at Lima, Peru. The services were attended by the Peruvian minister of education, Dr. Maguiña, the Argentinian minister, Dr. Levillier, several members of the South American diplomatic corps, various well known scholars, and others. The presentation was made by Dr. Levillier, who described the work of the Comisión and expressed the hope that the deposit of books would serve to strengthen the bonds between Argentina and Peru. In his acceptance of the books, the librarian of the Biblioteca Nacional of Peru, Dr. Carlos A. Romeró, reminded the audience that San Martín, by a decree of August 28, 1821, provided for a national library which was opened in Peru in 1822. In his address, Dr. Romero, stated also that Dr. Levillier was directing the editing of a series entitled "*Colección de Publicaciones Históricas del Congreso Argentino*", which consists of hitherto unpublished documents relating to America copied from the Spanish archives. This collection is not limited exclusively to Argentinian

papers, for two volumes relate to the organization of the church and religious orders in Peru and to the audiencia of Lima; three others relate to documents and letters of Peruvian officials; and others treating of the same matters are, or soon will be, in press. The Comisión presented about 1,000 books to the library, among the volumes being complete sets of Alberdi, Sarmiento, Ameghino, Mitre, López, and others dealing with engineering, law, legislation, and other matters. An address was also delivered on this occasion by the minister of education.

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C. K. Jones, of the Library of Congress and the Bibliographer of this REVIEW shows the work of the commission from another angle in the following note.

By the courtesy of the Comisión Protectora de Bibliotecas Populares of the Argentine government, the George Washington University Library has recently received a representative collection of some 160 well bound volumes of Argentine literature. This is a distinguished gift. Its value to students of Argentine history and literature is great. Argentina by reason of its geographical position, its economic resources, and its political and cultural development ranks high in importance among the countries of the western hemisphere, and its literature which so well reflects these conditions is of similar importance. Among the important works on history and politics contained in the collection are: Mariano Moreno's *Doctrina democrática*, Bartolomé Mitre's *Historia de San Martín* and his *Arengas*, Sarmiento's *Facundo*, *Recuerdos de la provincia*, and *Educación popular*, Jose M. Estrada's *Lecciones sobre la historia Argentina*, Sáenz Peña's *Derecho público americano*, Urien's *Mitre*, San Martín's *Correspondencia*, Salas's *Bibliografía del general San Martín*, González's *Manual de la Constitución argentina*, Matienzo's *Derecho Constitucional*, Alberdi's *Las bases*, Echeverría's *Dogma socialista*, Zinney's *Historia de los gobernadores* and the works of Levene and of Cobos Daract on Argentine history. Science is represented by the well known works of Ameghino and by treatises and textbooks on mathematics, medicine, medical botany, and agriculture. Of particular value and interest are the volumes on *belles-lettres* and linguistics. Among these the following are selected for mention: Garzón's *Diccionario argentino*; Mitre's translation of Dante's *Divine Comedy*, the poems of Mármol, Andrade, Ricardo Gutiérrez, Obligado,

Lugones, Capdevila, Franco, and Méndez Calzada; the works of Ricardo Rojas, the important anthology of Argentine poetry by Puig, and the famous gaucho epic *Martín Fierro* by Hernández; the novel, which is becoming an important genre in Argentine literature, is well represented by Mármol's *Amalia*, Cané's *Juvenilia*, Cambaceres's *Sin Rumbo*, Quiroga's *El desierto*, Larreta's *La gloria de don Ramiro*, various works of Angel de Estrada, Pagano's *El hombre que volvió a la vida* and *Nacha Regules*, and *El mal metafísico* and *La tragedia de un hombre fuerte* by Gálvez. Criticism is represented by Oyuela's *Estudios literarios* and Rohde's *Ideas estéticas en la literatura argentina*. In the collection are also found several works by the brilliant sociologist José Ingenieros and Mansilla's interesting and picturesque *Una excursión a los indios rancueles*. These volumes form a notable addition to the Hispanic collection of the University Library and on the part of the donor they constitute a significant and generous contribution to the cause of inter-American understanding.

—C. K. JONES.

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The Hispanic Society of America, under its main series "Hispanic Notes and Monographs: Essays, Studies, and brief Biographies issued by the Hispanic Society of America", is publishing an important sub-series of booklets, with the series title "Catalogue Series". Up to the present we have seen four of these productions which were published in 1925 and nine in 1926. The 1925 booklets are as follows: *Zurburan in the Collection of the Hispanic Society of America* (19 pp.); *Morales in the Collection of the Hispanic Society of America* (14 pp.); *Velazquez in the Collection of the Hispanic Society of America* (22 pp.); and *List of Wood-Carvings* (16 pp.). The 1926 booklets are as follows: *Goya in the Collection of the Hispanic Society of America* (29 pp.); *Jet in the Collection of the Hispanic Society of America* (20 pp.); *List of Water Colours and Drawings in the Collection of the Hispanic Society of America* (42 pp.); and six booklets on the Spanish artist Joaquín Sorolla. These last are as follows: *The Art of Joaquín Sorolla*, by Leonard Williams (57 pp.); and five booklets each with the main title *Sorolla in the Collection of the Hispanic Society of America*, and sub-titles respectively, *Portraits* (19 plates), *Provinces of Spain* (109 pp.), *Sketches for the Provinces of Spain* (59 plates), *Scenes* (24 plates), and *Columbus leaving Palos* (74 pp.). The last has many interesting sketches and will be

especially interesting to students of Hispanic history. Of value are the bibliographical lists appearing in these publications. The format is the one usually employed by the Hispanic Society.

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*Humanidades*, which is published several times annually by the Facultad de Humanidades y Ciencias de la Educación of the Universidad Nacional de la Plata contains much valuable material. Volume V (1923) contains among other papers, the following: "Caracteres del poder público en España y su influencia en el gobierno de las provincias americanas", by Jerónimo Becker; "Sarmiento, maestro de energías", by José Manuel Eizaguirre; "El espíritu municipal en los tiempos de la colonia", by Rocha Pomba; and "Sobre las banderas brasileñas", by Ernesto Quesada. Vol. VI. (1923) has the following: "El escritor argentino y la gramática castellana", by Arturo Costa Álvarez; "De la cordialidad mediante la historia", by Mario Falcao Espalter; "La revolución de diciembre y sus consecuencias", by M. de Vedia y Mitre; "Iniciación del gobierno de Martín Rodríguez. "El tumulto de 1º al 5 de octubre de 1820", by Carlos Heras; and "Apuntes de toponomástica de la ciudad de Buenos Aires", by Romualdo Ardissonne. Vol. VII. (1923) contains: "Don José Toribio Medina", by Rómulo D. Carbia; "Estudios sobre la gramática americana de la lengua castellana", by Arturo Costa Álvarez. Vol. VIII. (1924) has the following: "Joaquín V. González. El artista y el hombre", by Arturo Marasso; "Significado del arte incaica", by Luis E. Valcárcel; "El derecho obrero en la colonización española", by Carmelo Viñaz Mey; "El verdadero hispanoamericano", by Américo Castro; "Sobre la creación de un instituto central de orientación profesional en la capital de la república", by Carlos Jesinghaus; "Poblaciones argentinas: Zapola", by Romualdo Ardissonne; "La enseñanza de las humanidades en la formación del profesorado secundario", by Ricardo Levene. Vol IX. (1924) yields among other things: "Los incunables de la Biblioteca Universitaria de La Plata", by Agustín Millares Carlo; "Joaquín V. Gonzales", by Victor Mercante; "Religiones y mitos primitivos de América", by Clemente Ricci; Vol. X. (1925) is especially valuable, containing: "De cómo el dolor de un ajusticiado motivó la fundación de un monasterio", by Horacio H. Urteaga; "El régimen de la tierra en la colonización española", by Carlos Viñas y Mey; "La neogramática del castellano", by Arturo

Costa Álvarez; Vol. XI. (1925) presents: "José Ingenieros", by Enrique Mouchet; "La expresión cultural de las grandes bibliotecas", by Carlos Silva Cruz; "El humanismo y los estudios clásicos en la educación", by Manuel de Montoliú; "Esteban Echeverría en los salones porteños de la primera época de Rosas", by Arturo Capdevila; "El teatro de Florencio Sánchez", by Arturo Vázquez Cey; "La política correntina y la ocupación de la Banda Oriental por el Brazil", by Hernán F. Gómez; "La Universidad Nacional de la Plata", by José Mouchet; "Nuevas orientaciones sociales en la enseñanza pública", by Enrique Mouchet; "La supresión del cabildo de Buenos Aires", by Carlos Heras; "Homenaje al poeta uruguayo Juan Zorilla de San Martín"; "Homenaje al doctor José Ingenieros". Vol. XII. (1926, the last number published) has: "Evolución educacional de México", by Carlos Trejo Lerdo de Tejada; "La Historia de la cultura hispanoamericana en sus relaciones con la política", by Alfred Coester; "Pablo Iglesia", by Nicolás Repelto; "Un estudio filológico", by Father Grenón, S. J.; "La obra psicológica de José Ingenieros", by Enrique Mouchet and Alberto Palcos; "Los ideas sociales de Ingenieros", by Gabriel S. Moreau; "El instituto nacional superior de educación física", by E. Romero Brest; "El gran miedo", by Ricardo R. Caillet Bois; "Proyecto de implantación de la ficha sanitaria en los escolares para el movimiento estadístico de los enfermedades en las escuelas", by Raúl Becco; and "Adolfo Bonilla y San Martín", by A. M. In a number of these volumes run the following continued monographs: "Bibliografía del Periodismo uruguayo", by Mario Falcao Espalter; and "Nuestros conocimientos en ciencias naturales durante la época colonial", by Aníbal Cardoso. The quality of the articles and of the editing gives this periodical high rank among university publications. Its former editor in chief was the well known historical scholar, Dr. Ricardo Levene (who has accepted the post of Associate Editor for Argentina on the staff of this REVIEW). The present editor in chief is Dr. Enrique Mouchet, one of the foremost workers in the field of Education in South America. This position apparently rotates among the faculty of the National University.

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Among prolific writers of history in Chile Crescente Errázuriz should be mentioned. He is the author of the following works:

Los orígenes de la iglesia chilena, 1540-1603. Santiago, 1873. Pp. 562.

Seis años de la historia de Chile (23 de Diciembre de 1598-9 de Abril de 1605).

Memoria histórica escrita en cumplimiento de los estatutos universitarios.

2d. ed. Santiago de Chile, 1908. 2 vols.

Historia de Chile durante los gobiernos de García Ramón, Merlo de la Fuente y Jaraquemada (continuación de los Seis años de la historia de Chile).

Santiago de Chile, 1908. 2 vols.

Historia de Chile. Pedro de Valdivia. Santiago de Chile, 1911-12. 2 vols.

Historia de Chile. Francisco de Villagra, 1561-1563. Santiago de Chile, 1915.

Pp. 538.

Two other works are included in this series, namely, *Sin Gobernador* and *Don García de Mendoza*. Errázuriz is a churchman.

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*El Guatemalteco*, published at Guatemala, in its issues beginning July 1, 1926, publishes the revised "Código civil de la República de Guatemala". Decree No. 921 (June 30, 1926) by President José María Orellana, declares that Book I of the Code will be in force beginning September 1, 1926, and the following books three months after their publication in the *Diario Oficial*. The preamble of the decree states that since the civil code in force was not meeting the necessities of social life the adoption of reforms were necessary "for the purpose of better guaranteeing individual and collective rights". Book I (published July 1 to 3) treats of the following matters: promulgation, effect, and application of the laws; interpretation of the law; derogation of the law; persons; natural persons; capacity of natural persons; legal persons; domicile and citizenship; absence and death, and property in connection therewith; matrimony (including divorce); relationship, paternity, and relation of children to their parents; parental authority; emancipation and age qualification; support; guardianship; civil register.

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Lawrence C. Wroth, librarian of John Carter Brown Library, is the author of a most interesting article in the *Ars Typographica* for April of this year. The first part of the article ("The Origins of Type-founding in North and South America") deals with South America. So far as present knowledge goes, the author, asserts that the earliest types in the Americas were cut in the Jesuit missions of Paraguay. He says (p. 274):

The Indians of the Paraguay Mission unquestionably printed several of the works employed in their own Christianization, and there is ground for the belief that they printed these books with type of their own making.

In his narrative, as he tells us, he follows rather closely Medina's account on pp. IX-XIV of his *Historia y Bibliografía de la imprenta en la América Española*, part II. The first types appear to have been cut early in the eighteenth century. Of special interest is a book by Joseph Antonio de Alzate y Ramírez, printed in Mexico in 1770, in the office of Joseph de Jauregui. The book, of which a copy exists in the John Carter Brown Library, is entitled *Descripción del Barreno Ingles, instrumento muy util, y necessario para los mineros, y labradores*. Underneath the imprint appears the notice:

Los Caracteres de esta Impression han sido fabricados en esta Ciudad por D. Francisco Xavier de Ocampo, à expensas de dicho D. Joseph de Jauregui.

This note, Mr. Wroth says (p. 281) "refers to the first successful font of type made in North America".

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Dr. Domingo Figarola-Caneda, of Havana, deserves the greatest of credit for his work in connection with the Academia de la Historia of Cuba and the publications of that body. He was the moving spirit in the Academy from its foundation until his premature and regrettable death. Vol. V. of the *Anales*, in addition to the "Actas" of the twelfth to the sixteenth sessions of the academy, contains the following: "El sitio de la Habana y la dominación británica en Cuba" (with an excellent bibliography), by Carlos M. Trelles y Govín (associate editor for this REVIEW in Cuba); "Lexico Cubano: contribución al estudio de las voces que lo forman", by Dr. Juan Miguel Dihigo; "Centón epistolario de Domingo del Monte, Tomo III. 1836-1838"; the last two being continued. Vol. VI. contains: "Alocución pronunciado por el Doctor Enrique José Varona, presidente de la Academia de la Historia, el día 19 de octubre de 1924, al iniciar los trabajos de la sesión conmemorativa del XIV aniversario de la fundación de la academia"; the "Actas" of the seventeenth to the twenty-sixth sessions; "Los restos de Cristóbal Colón y el nicho que en la iglesia catedral de la Habana los guardaba", by Dr. Antonio

L. Valverde; and the two continued pieces noted above. Among other publications of the Academia are the following:

- Centón epistolario de Domingo del Monte con un prefacio, anotaciones y una tabla alfabética por Domingo Figarola-Caneda académico de número. 3 vols. Habana, 1923-1926.
- Discursos leídos en la recepción pública del Sr. Carlos M. Trelles y Govín la noche del 11 de junio de 1926. Contesta en nombre de la corporación el Capitan Sr. Joaquín Llaverías académico de número. Habana, 1926. Pp. 207.
- Discursos leídos en la recepción pública del Señor Nestor Carbonell y Rivero la noche del 16 de marzo de 1926. Contesta en nombre de la corporación el Dr. Emeterio S. Santovenia y Echaide. Habana, 1926. Pp. 52.
- Elogio del Coronel Manuel Sanguily y Garritte académico de número leído por el Dr. Rodolfo Rodríguez de Armas, académico de número en la sesión solemne del 28 de abril de 1926. Habana, 1926. Pp. 101.
- Elogio del Dr. Rafael Fernández de Castro y Castro, académico de número. Leído por el Dr. Tomás de Justíz y del Valle, académico de número en la sesión solemne celebrada en la noche de 22 de junio de 1922. Habana, 1924. Pp. 51.
- Elogio del General José Miro y Argenta académico de número por el Coronel Fernando Figueredo y Socarrás académico de número. Leído por el académico Dr. Emeterio S. Santovenia en la sesión solemne celebrada en la noche del 2 de mayo de 1926. Habana, 1926. Pp. 55.
- Elogio del Lic. José de Armas y Cárdenas (Justo de Lara), individuo de número, leído por el Dr. Antonio L. Valverde y Maruri, académico de número, en la sesión solemne celebrada en la noche del 28 de diciembre de 1923. Habana, 1923. Pp. 225.
- Manuel de Quesada y Loynaz por Carlos Manuel de Céspedes y Quesada. Habana, 1925. Pp. 231.
- La Vida de la Academia de la Historia (1924-1925). Memoria leída por el Secretario Don Juan Miguel Dihigo y Mestre y José de la Luz y Caballero en la conspiración de 1844. Leído por el académico de número Dr. Francisco Gonzalez del Valle. Habana, 1925. Pp. 136.

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*The Bulletin of the Pan American Union* for July, 1926, is dedicated to the Congress of Bolívar which was held in June, 1926. There is a short introduction by Dr. L. S. Rowe, Director of the Pan American Union, which is followed by short items by the diplomatic representatives of the several Hispanic American countries, and articles by Dr. Ricardo J. Alfaro, Dr. Octavio Méndez Pereira, Guillermo A. Sherwell, and Dr. Alfonso Robledo. The official program of the congress is also given.

The Bobbs-Merrill Company has published recently a novel by C. E. Scoggins entitled *When the Red Gods Call*, but which appeared first in the *Saturday Evening Post* under the name of *The Country of Old Men*. The scene of the story is laid in Guatemala and as might be expected, the novel is of the blood and thunder type. Its chief literary merit is the contrast that appears throughout between the staid respectability of the small town in the United States and what the author conceives to be the unsettled condition of Guatemala.

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